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ABSTRACT

This report presents the response of the California State Postsecondary Education Commission to the State of California Legislature's mandate for biennial segment reports from the University of California, California State University, and the California Community Colleges on their efforts to implement State policy regarding development programs for students with disabilities. The report reviews four major topics of the segment reports, which are attached as appendices and comprise most of this document. The topics are: (1) the development of formulas and procedures for the allocation of funds to disabled student services; (2) new regulations and policies for disabled student services; (3) intersegmental coordination in the development of disabled student programs; and (4) segmental 5-year plans for comprehensive evaluations of all state-funded disabled student programs. The Commission document concludes that all three segments have developed new plans and procedures to meet the requirements of Assembly Bill 746 (also included in the appendix) and that their reports respond properly to the charge of that legislation. Contains 4 references. (GLR)

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SERVICES FOR STUDENTS WITH DISABILITIES IN CALIFORNIA PUBLIC HIGHER EDUCATION, 1990

HE 024 321

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

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Summary

Assembly Bill 746 of 1987 by Assemblyman Tom Hayden directs the University of California, the California State University, and the California Community Colleges to coordinate their planning and development of programs for students with disabilities and to develop and implement a system for evaluating State-funded programs and services for these students on each campus at least every five years. It also calls for biennial progress reports from the segments on their efforts to implement State policy in this area and for the Postsecondary Education Commission to review these reports and to comment to the Legislature on the first set of reports by this March.

This initial Commission document mandated by AB 746 reviews four major topics of the segments' reports, which are attached as appendices:

1. The development of formulas and procedures for the allocation of funds to disabled student services;
2. New regulations and policies for disabled student services;
3. Intersegmental coordination in the development of disabled student programs; and
4. Segmental five-year plans for comprehensive evaluations of all State-funded disabled student programs.

The Commission document concludes that all three segments have developed new plans and procedures to meet the requirements of AB 746 and that their reports respond properly to the charge of that legislation.

The Commission adopted this report at its meeting on April 30, 1990, on the recommendation of its Policy Evaluation Committee. Additional copies of the report may be obtained from the Publication Office of the Commission at (916) 324-4991. Questions about the substance of the report may be directed to Kevin G. Woolfork of the Commission staff at (916) 322-8007.

SERVICES FOR STUDENTS WITH DISABILITIES IN CALIFORNIA PUBLIC HIGHER EDUCATION, 1990

The First in a Series of Biennial Reports to the Governor and Legislature in Response to Assembly Bill 746 (Chapter 829, Statutes of 1987)

CALIFORNIA POSTSECONDARY EDUCATION COMMISSION
Third Floor • 1020 Twelfth Street • Sacramento, California 95814-3985

COMMISSION REPORT 90-15
PUBLISHED APRIL 1990

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Services for Students with Disabilities in California Public Higher Education, 1990

Origins of the Commission's report

Assembly Bill 746 (Hayden, 1987), filed as Chapter 829, Statutes of 1987 and reproduced in Appendix A on pages 7-11 of this report, directs the University of California, the California State University, and the California Community Colleges to coordinate their planning and development of programs for students with disabilities and to develop and implement a system for evaluating State-funded programs and services for these students on each campus at least every five years. It also calls on the California Postsecondary Education Commission to reconvene the Intersegmental Planning Committee, which was initially created in 1985 to develop new State policy in this area, in order to coordinate the ongoing project. Finally, the statute calls on the segments to submit biennial progress reports on their efforts to implement State policy and for the Postsecondary Education Commission to comment on these reports to the Governor and Legislature. This document is the first of the Commission's reports responding to that mandate.

AB 746 was the most recent legislative step in the process of revising special services for California's college and university students with disabilities that began in 1985 with Assembly Concurrent Resolution 3 (Vasconcellos). In December 1986, the Intersegmental Planning Committee on Assembly Concurrent Resolution 3 issued its report, *Expanding Educational Opportunities for Students with Disabilities*, which the Commission then endorsed and published. The purpose of ACR 3, the planning committee, AB 746, and the continuing work of the segments is to assure adequate educational opportunities to Californians with disabilities.

Background on students with disabilities

California's three segments of public higher education currently provide services to more than 55,000 students with disabilities annually. Display 1 on page 2 shows the total numbers of these students served and the total funding for these programs for the 1988-89 fiscal year.

While each segment has its own internal operating definitions for its disabilities' programs and services -- an issue discussed later in this report -- six categories of disability can be distinguished for which all three segments provide special services:

Physical/Mobility Impairment: This covers any limitation in locomotion or motor function that indicates a need for supportive services or programs. Students included in this category are those who have motor function problems preventing them from lifting or carrying items normally used in an academic setting, such as books and supplies. Services provided to these students include on-campus mobility assistance to and from courses and related educational activities, special parking spaces and arrangements, manual manipulation services for classroom and related academic activities.

Hearing Impairment: This covers a limitation in the process of hearing that impedes the educational process and necessitates the procurement of supportive special services that include but are not limited to oral or sign language interpreters. Other services provided to hearing impaired students include reader services to coordinate and provide access to information required for academic participation, and test- and note-taking facilitation.

Visual Limitation: This covers the existence of blindness or of partial sight to the degree that it impedes the educational process and necessitates procurement of supportive services or programs. Services provided to visually impaired students include transcription services, such as providing Braille and large print materials, on- and off-campus registration assistance, and supplemental specialized orientation to acquaint them with the campus environment.

DISPLAY 1 *Numbers of Disabled Students Served and Total Funding of Programs for Students with Disabilities in California's Three Public Segments of Higher Education for Fiscal Year 1988-89*

Segment	Number of Students with Disabilities Served	State Funding	Other Sources of Funds*	Total Funding
University of California	3,329	$1,383,697	$1,619,799	$3,003,496
The California State University	5,999	5,600,000	0	5,600,000
California Community Colleges	46,093	18,061,160	29,830,228	47,891,388
Total	55,421	$25,044,857	$31,450,027	$56,494,884

* For the University of California, the bulk of non-State funding is from campus resources. Federal grants and certain student fees are the other two funding sources. For the California Community Colleges, other sources of funds include local revenues, federal grants, and various campus-generated funds.

Note: In order to be consistent with the data cited for the other two segments, the number of community college students counted here is only those students with a primary disability. An additional 5,110 students with secondary disabilities also receive disabled student services and programs in these colleges. The community colleges use a formula to determine a weighted student count; and funding for these programs is based on this calculation and not on the number of students presented here.

Sources: Background documents on disabled student services from the University of California, the California State University, and the Chancellor's Office of the California Community Colleges.

Communication Disability: This includes limitations in the processes of speech and/or hearing that impedes the educational process. Services provided to communication-impaired students include specialized tutoring, adapting tests for them, proctoring tests taken by them, and provision of adaptive educational equipment. (Students needing interpreting services are not served in this category but are provided with other supportive special services.)

Learning Disability: This is a general term that refers to the heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders occur in persons of average to very superior intelligence and are presumed to be due to central nervous system dysfunction. Even though a learning disability may exist concomitantly with other handicapping conditions, such as visual or hearing impairment, or with environmental influences, like cultural or language differences, it is not the direct result of any of those conditions or influences. Services provided to learning disabled students may include complete diagnostic assessment by the institutions to determine functional, educational, and employment levels, and specialized services not otherwise provided in the institution.

Other Disabilities: Three other classifications of disabilities for which the segments provide special services are: (1) acquired brain injury, (2) developmentally delayed learner, and (3) functional limitations due to medical condition. Students in these three categories may utilize several of the services described above.

- Acquired brain injury means a deficit in brain functioning that is medically verifiable and results in the total or partial loss of cognitive, sensory-perceptual, psycho-social, or other functioning skills.
- Developmentally delayed learners are students with below average intellectual functioning, impaired social functioning, and potential for success in instructional and employment settings.
- Students with functional limitations due to special medical conditions include those with asthma, diabetes, acute allergies, heart conditions, or cancer.

Many more services are provided by the institutions for disabled students, and most of the services described above for certain disabilities are provided to students in the other disability classifications as well. Campuses in the three public higher educa-

tion systems work with community agencies and provide referral and follow-up services to these agencies on behalf of their students. The campuses provide assistance to their outreach personnel to increase the representation of students with disabilities as well as on-campus activities to increase general campus awareness of students with disabilities.

Scope of the segments' reports

The reconstituted planning committee, whose members are listed in Display 2 below, met last June and reached the following agreements regarding timelines for, and contents of, the reports called for under AB 746. (The section numbers refer to Education Code Section 67312.(a)(2), which was amended by AB 746.)

1. The first biennial reports, due to the Postsecondary Education Commission and others for review and comment in January 1990 from the three segments of public postsecondary education, will contain the following sections:
   a. An update of each segment's work with the Commission and the Department of Finance on the development of formulas and procedures for allocating funds for disabled student services [Sect. 67312.(a)(1) and (b)];
   b. A summary of the adoption of rules and regulations necessary to operate the programs for disabled students funded pursuant to this chapter [Sect. 67312.(a)(2) and (b)];
   c. A brief statement on the maintenance of intersegmental efforts to coordinate the planning and development of programs for students with disabilities [Sect. 67312.(a)(3) and (b)]; and
   d. A workplan and outline of the five-year comprehensive evaluations of state-funded programs and services for disabled students [Sect. 67312.(a)(4)].
2. The legislation directs the University, the State University, and the community colleges to produce biennial reports that are to include a campus-by-campus review of the enrollment, retention, transition, and graduation rates of disabled students. Due to the complexity of developing appropriate and compatible information assimilation and assessment mechanisms to complete these tasks, this component will be first contained in the biennial report due in January, 1992 [Sect. 67312.(b)].

DISPLAY 2 Members of the Planning Committee Reconstituted Under Assembly Bill 746

Connie Wilbur Burton
University of California, San Diego

Marylin Jorgenson, Chancellor's Office
California Community Colleges

David Sanfilippo
California State University, Long Beach

Keith Foster
California State Department of Rehabilitation

Catherine Campisi, Chancellor's Office
California Community Colleges

Judy Osman, Office of the Chancellor
The California State University

Patricia Romero, President's Office
University of California

William Moore
Association of Independent California Colleges and Universities

Dave Jolly
California State Department of Education

Judy Day
California State Department of Finance

Hal Geiogue
Office of the Legislative Analyst

Kevin G. Woolfork, *Convenor*
California Postsecondary Education Commission

Source: California Postsecondary Education Commission.

This first report by the Commission summarizes the segmental responses called for in subsections a-d above and then describes the progress that has been made over the past year and a half to implement the policies in AB 746. The second report, due in January 1992 and described under the second heading, will present the first outcomes data on each segment's disabled student population.

Appendix B to this report is a draft of the California Community Colleges' report that is still being processed by the Chancellor's Office, but staff of the Chancellor have informed the Commission that few, if any, substantive changes are anticipated in this draft. Appendix C is the final version of the State University's report that was transmitted to the appropriate State offices on January 26, 1990. Appendix D reproduces the University of California's report, which is in final form awaiting formal transmittal.

Development of formulas and procedures for allocating funds to disabled student services

AB 746 requires that the three public higher education segments each develop funding procedures based on (1) fixed costs associated with the ongoing administration and operation of the programs; (2) continuing variable costs that will change as the number of disabled students or unit load of these students changes; and (3) the one-time variable costs that are associated with the purchase or replacement of equipment used in the provision of services to disabled students.

California Community Colleges: In Attachment 1 of its report in Appendix B, the Chancellor's Office of the California Community Colleges describes the colleges' three-part funding formula, developed by a task force on which both the Department of Finance and Postsecondary Education Commission representatives served. It provides a base allocation of $50,000 to each college to cover initial fixed costs, weighted student counts based on the type of disability of the student being served, and the colleges' own commitment of general fund revenues to their programs for students with disabilities. This new formula was approved by the Board of Governors in July 1990, and the Chancellor's Office has developed all of its budget change proposals for disabled student programs and services in a manner consistent with the requirements of AB 746.

The California State University: Over the past two fiscal years, the State University has worked closely with the Department of Finance and the Commission to identify the types of information needed to implement the fixed/variable cost formulas mandated by AB 746. While this work has led to many staff-level agreements on the exact data needed to justify funding requests for the State University's disabled student services and programs, full funding has yet to be provided in the State budget for these programs. The State University reports that it remains committed to work with the appropriate State agencies to establish permanent funding formulas, as per AB 746, in future years.

University of California: The University of California reports that it has developed baseline data on the actual costs of disabled student services from the 1987-88 fiscal year that it has incorporated into its budget requests for State-funded disabled student programs, along with other methodological recommendations to segmental representatives on the AB 746 Task Force. The University's requests for funding of these programs in the upcoming 1990-91 fiscal year is based on the "fixed, variable, and one-time variable" costs delineated in AB 746. The University anticipates that all future such funding requests will also be based on this cost methodology, and it is collecting and updating its information documenting the costs of its disabled student programs.

New regulations and policies for disabled student services

California Community Colleges: The Chancellor's Office initiated a revision of the Title 5 regulations governing disabled student programs and services two years ago. The first section of the new regulations provides updated descriptions of disabilities, verification procedures for determining disabilities, special services and classes available to disabled students, and contains other operational provisions. The remaining sections cover general administrative procedures, program requirements, and personnel, and funding procedures. Attachment 2 in Ap-

pendix B more fully describes these new regulations.

The California State University: The State University has conducted extensive reviews of its segmental and campus policies for students with disabilities over the past two years. A disabled student services advisory committee was formed with representation from campus administrators, disabled student program directors, the academic senate, and students with disabilities themselves. Page 3 of Attachment 1 in the State University's report in Appendix C describes the new policies that were adopted by the system as a result of the work of this committee. In general, the purpose of these new agreements is to conform existing State University disabled student policies to what is called for in AB 746.

University of California: Currently, the University is revising its guidelines for programs for students with disabilities to include the provisions of AB 746. Its original guidelines on eligibility criteria, evaluation requirements, accountability procedures, and other aspects of these programs were defined in the report of a University task force on students with disabilities in 1979. Attachment 2 of the University's report in Appendix D describes that report. The University's revised guidelines will be submitted to the campuses and the President's Advisory Committee on Services to Students with Disabilities for comment by the end of this year.

Intersegmental coordination in developing programs for students with disabilities

The California Community Colleges, California State University, and University of California have all used the forum provided by AB 746 to continue their discussions to develop comparable definitions and eligibility criteria for disabled students. All three segments, with input from the other members of the planning committee, are also developing intersegmentally consistent formats for surveying the perceptions of staff and students on the effectiveness of programs offered for disabled students within their segments. After much discussion, the three segments have arrived at similar definitions for terms such as *enrollment, transition, and retention*, all of which are areas that are to be examined in future AB 746 reports. In addition, planning committee members are working to ensure consistency in the reporting of enrollment information. They hope that by developing intersegmentally comparable program evaluation instruments, more pertinent and useful information on disabled student programs can be collected and employed to improve the quality of these services.

In July 1989, representatives of the community colleges, State University, and University met with representatives of the State Architect's Office to discuss the development of common intersegmental procedures for the review of physical access at campuses. Later, in November, that office held two workshops for campus disabled student services and facilities staff to explain the provisions of Title 24 of the California Building Code, which they are to use in determining the accessibility of facilities, as called for by AB 746.

Segmental five-year plans for evaluations of all State-funded programs for students with disabilities

California Community Colleges: In December 1987, the Chancellor's Office prepared a report on the disabled student programs and services at 52 colleges that had been evaluated by a program evaluation mechanism developed prior to the passage of AB 746. It has included that report in Attachment 3 of Appendix B. Currently, the Management Information Systems Unit of the Chancellor's Office is assisting in the development of a plan to gather outcomes data on students that will meet the AB 746 requirements of retention, transition, and graduation rates and enrollment levels of students with disabilities.

The California State University: The State University has developed a comprehensive workplan focusing on the two major areas to be evaluated under AB 746 -- (1) program effectiveness as determined by its participants, and (2) physical accessibility. State University staff are developing program evaluation forms for their disabled student services staff and the students served in these programs, and they are developing enrollment data for its January 1992 report -- the first of the biennial reports that will

contain these data. The State University is also embarking on a campus-by-campus evaluation of architectural barriers, in order to prioritize these projects for funding.

University of California: In its report in Appendix D, the University describes the development of the evaluation components necessary to accomplish the goals set forth in AB 746. During the 1988-89 academic year, it developed and pilot-tested a uniform systemwide questionnaire to assess students' perceptions of the effectiveness of its programs for students with disabilities. It presented this instrument to the Intersegmental Planning Committee for its suggestions, and it reviewed and accepted the committee's recommendations. The President's Advisory Committee of Services to Students with Disabilities will review both questionnaires before they can be used systemwide. Information from the questionnaires is anticipated to be available for the University's January 1992 report. In addition, the University is currently discussing options to acquire the data needed in order to obtain the graduation, retention, and transfer information on disabled students requested in AB 746, and it is developing a systemwide inventory of physical accessibility facilities projects -- the results of which will be available in January 1993.

Summary

Over the past 18 months, California's public higher education segments have worked cooperatively to develop new plans and procedures to meet the requirements of AB 746. The Intersegmental Planning Committee convened to assist in the implementation of this law has provided a forum for meaningful discussion and the development of innovative ideas to develop the intersegmental cooperation needed to achieve State goals. All three segmental reports appended to this document respond to the charge in AB 746 and contain all of the information that the Planning Committee agreed should be in these initial reports.

Each of the three segments has commented on the difficulty of developing data bases appropriate to collect the outcomes data on students called for in AB 746, but the Planning Committee is continuing its work to assist them in producing the types of information needed to satisfy the mandates of AB 746.

In the future, the Planning Committee hopes to get even greater assistance from its non-segmental representatives, as its discussion moves from data collection to the development of more effective and efficient options for providing services to students with disabilities. Independent of the committee, the University, State University, and community colleges continue to work towards improving both the levels and quality of these services.

References

California Community Colleges, Chancellor's Office. *Preliminary Report: Assembly Bill 746 Chapter 829, Statutes of 1987* (with Attachments). Sacramento: The Chancellor's Office, January 1990 (reproduced in Appendix B of this report).

The California State University, Office of the Chancellor. *Services to Students with Disabilities: Response to Assembly Bill 746, Chapter 829, Statutes of 1987* (with Attachments). Long Beach: Office of the Chancellor, January, 1990 (reproduced in Appendix C of this report).

Intersegmental Planning Committee on Assembly Concurrent Resolution 3. *Expanding Educational Opportunities for Students with Disabilities: A Report to the Governor and Legislature by the Intersegmental Planning Committee on Assembly Concurrent Resolution 3 (1985).* California Postsecondary Education Commission Report 86-38. Sacramento: The Commission, December 1986.

University of California, Office of the President. *Report to the Legislature on Assembly Bill 746: Services to Students with Disabilities.* Oakland: Office of the President, February 1990 (reproduced in Appendix D of this report).

Appendix A

Assembly Bill 746 (Chapter 829, Statutes of 1987)

Assembly Bill No. 746

CHAPTER 829

An act to amend and renumber the heading of Chapter 14 (commencing with Section 67320) of, and to add Chapter 14.2 (commencing with Section 67310) to, Part 40 of the Education Code, relating to postsecondary education.

[Approved by Governor September 19, 1987. Filed with Secretary of State September 21, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 746, Hayden. Postsecondary education.

Existing law requires the services for disabled students provided by the California Community Colleges and the California State University, and authorizes the services provided by the University of California, at a minimum, to conform to the level and the quality of services provided by the Department of Rehabilitation prior to July 1, 1981.

This bill would govern state funded disabled student programs and services at public postsecondary institutions and would specify the principles that a state funded activity is required to observe. This bill would declare the intent of the Legislature that, as appropriate for each postsecondary segment, funds provided for disabled student programs and services be based on the fixed costs associated with the ongoing administration and operation of the services and programs, continuing variable costs that fluctuate with changes in the number of students or the unit load of students, and one-time variable costs associated with the purchase or replacement of equipment.

This bill would require the Board of Governors of California Community Colleges and the Trustees of the California State University to, and would authorize the Regents of the University of California to, work with the California Postsecondary Education Commission and the Department of Finance, as specified, adopt rules and regulations, maintain the present intersegmental efforts to work with the commission and other interested parties, and develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every 5 years. This bill would also require the Board of Governors of the California Community Colleges and the Trustees of the California State University to, and would authorize the Regents of the University of California to, submit a report to the Governor, the education policy committees of the Legislature, and the California Postsecondary Education Commission biennially, commencing in January 1989. This bill would require the California Postsecondary Education Commission to review these reports and submit its comments and recommendations to the Governor and the

education policy committees of the Legislature.

This bill would provide that nothing in this bill shall be construed to be directing students toward a particular program or service for students with disabilities nor shall anything in this bill be used to deny any student an education.

The people of the State of California do enact as follows:

SECTION 1. Chapter 14.2 (commencing with Section 67310) is added to Part 40 of the Education Code, to read:

CHAPTER 14.2. STATE FUNDED DISABLED STUDENT PROGRAMS AND SERVICES

67310. (a) The Legislature finds and declares that equal access to public postsecondary education is essential for the full integration of persons with disabilities into the social, political, and economic mainstream of California. The Legislature recognizes the historic underrepresentation of disabled students in postsecondary programs and the need for equitable efforts that enhance the enrollment and retention of disabled students in public colleges and universities in California.

(b) The Legislature recognizes its responsibility to provide and adequately fund postsecondary programs and services for disabled students attending a public postsecondary institution.

(c) To meet this responsibility, the Legislature sets forth the following principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities:

(1) The state funded activity shall be consistent with the stated purpose of programs and services for disabled students provided by the California Community Colleges, the California State University, or the University of California, as governed by the statutes, regulations, and guidelines of the community colleges, state university, or the University of California.

(2) The state funded activity shall not duplicate services or instruction that are available to all students, either on campus or in the community.

(3) The state funded activity shall be directly related to the functional limitations of the verifiable disabilities of the students to be served.

(4) The state funded activity shall be directly related to these students' full access to and participation in the educational process.

(5) The state funded activity shall have as its goals the independence of disabled students and the maximum integration of these students with other students.

(6) The state funded activity shall be provided in the most integrated setting possible, consistent with state and federal law,

state policy and funding requirements, and missions and policies of the postsecondary segment, and shall be based on identified student needs.

(d) It is the intent of the Legislature that, through the state budget process, the public postsecondary institutions request, and the state provide, funds to cover the actual cost of providing services and instruction, consistent with the principles set forth in subdivision (c), to disabled students in their respective postsecondary institutions.

(e) All public postsecondary education institutions shall continue to utilize other available resources to support programs and services for disabled students as well as maintain their current level of funding from other sources whenever possible.

(f) Pursuant to Section 67312, postsecondary institutions shall demonstrate institutional accountability and clear program effectiveness evaluations for services to students with disabilities.

67311. It is the desire and intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on the following three categories of costs:

(a) Fixed costs associated with the ongoing administration and operation of the services and programs. These fixed costs are basic ongoing administrative and operational costs of campus programs that are relatively consistent in frequency from year-to-year, such as:

(1) Access to, and arrangements for, adaptive educational equipment, materials, and supplies required by disabled students.

(2) Job placement and development services related to the transition from school to employment.

(3) Liaisons with campus and community agencies, including referral and followup services to these agencies on behalf of disabled students.

(4) On-campus and off-campus registration assistance, including priority enrollment, applications for financial aid, and related college services.

(5) Special parking, including on-campus parking registration, temporary parking permit arrangments, and application assistance for students who do not have state handicapped placards or license plates.

(6) Supplemental specialized orientation to acquaint students with the campus environment.

(7) Activities to coordinate and administer specialized services and instruction.

(8) Activities to assess the planning, implementation, and effectiveness of disabled student services and programs.

The baseline cost of these services shall be determined by the respective system and fully funded with annual adjustments for inflation and salary range changes, to the extent funds are provided.

(b) Continuing variable costs that fluctuate with changes in the

number of students or the unit load of students. These continuing variable costs are costs for services that vary in frequency depending on the needs of students, such as:

(1) Diagnostic assessment, including both individual and group assessment not otherwise provided by the institution to determine functional, educational, or employment levels or to certify specific disabilities.

(2) On-campus mobility assistance, including mobility training and orientation and manual or automatic transportation assistance to and from college courses and related educational activities.

(3) Off-campus transportation assistance, including transporting students with disabilities to and from the campus in areas where accessible public transportation is unavailable, inadequate, or both.

(4) Disability-related counseling and advising, including specialized academic, vocational, personal, and peer counseling, that is developed specifically for disabled students and not duplicated by regular counseling and advising services available to all students.

(5) Interpreter services, including manual and oral interpreting for deaf and hard-of-hearing students.

(6) Reader services to coordinate and provide access to information required for equitable academic participation if this access is unavailable in other suitable modes.

(7) Services to facilitate the repair of equipment and learning assistance devices.

(8) Special class instruction that does not duplicate existing college courses but is necessary to meet the unique educational needs of particular groups of disabled students.

(9) Speech services, provided by licensed speech or language pathologists for students with verified speech disabilities.

(10) Test taking facilitation, including adapting tests for and proctoring test taking by, disabled students.

(11) Transcription services, including, but not limited to, the provision of Braille and print materials.

(12) Specialized tutoring services not otherwise provided by the institution.

(13) Notetaker services for writing, notetaking, and manual manipulation for classroom and related academic activities.

State funds may be provided annually for the cost of these services on an actual-cost basis, including wages for the individuals providing these services and expenses for attendant supplies. Each institution shall be responsible for documenting its costs to the appropriate state agencies.

(c) One-time variable costs associated with the purchase or replacement of equipment. One-time variable costs are one-time expenditures for the purchase of supplies or the repair of equipment, such as adapted educational materials and vehicles. State funds shall be provided for these expenses on an actual cost basis as documented by each institution.

67312. (a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, for their respective systems, and the Regents of the University of California may do the following:

(1) Work with the California Postsecondary Education Commission and the Department of Finance to develop formulas or procedures for allocating funds authorized under this chapter.

(2) Adopt rules and regulations necessary to the operation of programs funded pursuant to this chapter.

(3) Maintain the present intersegmental efforts to work with the California Postsecondary Education Commission and other interested parties, to coordinate the planning and development of programs for students with disabilities, including, but not limited to, the establishment of common definitions for students with disabilities and uniform formats for reports required under this chapter.

(4) Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years. At a minimum, these systems shall provide for the gathering of outcome data, staff and student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of Section 794 of Title 29 of the Federal Rehabilitation Act of 1973.

(b) Commencing in January 1990, and every two years thereafter, the Board of Governors of the California Community Colleges and the Trustees of the California State University shall, for their respective systems, and the Regents of the University of California may, submit a report to the Governor, the education policy committees of the Legislature, and the California Postsecondary Education Commission on the evaluations developed pursuant to subdivision (a). These biennial reports shall also include a review on a campus-by-campus basis of the enrollment, retention, transition, and graduation rates of disabled students.

(c) The California Postsecondary Education Commission shall review these reports and submit its comments and recommendations to the Governor and education policy committees of the Legislature.

67313. Nothing in this chapter shall be construed to be directing any student, or students, toward a particular program or service for students with disabilities nor shall anything in this chapter be used to deny any student an education because he or she does not wish to receive state funded disabled student programs and services.

67314. No provision of this chapter shall apply to the University of California unless the Regents of the University of California, by resolution, make that provision applicable.

SEC. 2. The heading of Chapter 14 (commencing with Section 67320) of Part 40 of the Education Code is amended and renumbered to read:

Appendix B

Report of the California Community Colleges

California Community Colleges

Chancellor's Office

PRELIMINARY REPORT

ASSEMBLY BILL 746
(CHAPTER 829, Statutes of 1987)

January 1990

ASSEMBLY BILL 746 (CHAPTER 829, Statutes of 1987)

PRELIMINARY REPORT

BACKGROUND

Assembly Bill 746 (Chapter 829, Statutes of 1987), the first intersegmental policy legislative initiative on services to students with disabilties, was enacted as a result of Assembly Concurrent Resolution 3 (ACR 3) (Vasconcellos). ACR 3 sought to decrease the underrepresentation of students with disabilities in higher education. AB 746 requires that the public postsecondary educational institutions submit biennial reports to the Postsecondary Education Commission and the Legislature concerning their efforts to provide programs and services for students with disabilities.

This first biennial report provides the following information as required by the Postsecondary Education Commision:

SECTION 1: An update of...work with the California Postsecondary Education Commission and the Department of Finance on the development of formulas and procedures for allocating funds for disabled student services [sect. 67312.(a) (1) and (b)].

In 1988-89, the Chancellor's Office developed and the Board of Governors approved a revised allocation formula for the disbursement of DSP&S funds provided by the Legislature pursuant to AB 746. The revision of the formula was done in consultation with a variety of stakeholders, including staff of the Postsecondary Education Commission, the Department of Finance and community college representatives who served on the Chancellor's Office Task Force convened to develop the new formula. This formula was approved by the Board of Governors in July, 1990 and was implemented for the allocation of funds for 1989-90.

As outlined in Attachment 1, the formula has three elements: 1) a base allocation of $50,000 per college, which is designed to cover the fixed costs of services to students with disabilties; 2) weighted student count, which provides for variable cost of services because, on the average, the service needs of students with different disabilities vary in cost; and 3) college effort, based on the college's general fund revenues allocated to serve students with disabilities.

In addition, the Chancellor's Office has prepared all of its Budget Change Proposals for additional funds to serve disabled students with the requirements of AB 746 in mind.

Currently, the Chancellor's Office is undertaking the next step in meeting the requirements of AB 746 by studying the development of standards for services for students with various disabilities. These standards will form the basis for future funding requests and will provide more complete and reliable information than currently available on the cost of services for students with disabilities in the California Community Colleges. As with the revision of the DSP&S allocation formula, representatives from the Postsecondary Education Commission and the Department of Finance will be asked to participate in the Task Force convened to examine this issue.

Section 2: A summary of the adoption of rules and regulations necessary to operate programs for disabled students pursuant to this chapter [sect. 67312. (a) (2) and (b)].

In 1987-88, in conjunction with the enactment of AB 746, the Chancellor's Office initiated a revision of the Title 5 regulations which govern Disabled Student Programs and Services in the Community Colleges. The revised regulations were approved by the Office of Administrative Law in April 1988. They were implemented by the Chancellor's Office for the 1988-89 fiscal year.

In order to provide leadership and direction to the colleges as they put the new regulations into effect, the Chancellor's Office undertook several initiatives. Implementing Guidelines were developed to provide guidance and technical assistance to the colleges in their application of the regulations (See Attachment 2). In addition, in early 1989, the DSP&S Unit of the Chancellor's Office held four workshops throughout the state to provide inservice training for DSP&S staff in the implementation of the new regulations. The inservice workshops included delineation of the new Title 5 regulations which parallel the provisions of AB 746, specifically, the parameters under which services may be funded (Title 5, section 56000); the list of services which may be funded by DSP&S (section 56026); and the evaluation requirements of the regulations (section 56052).

Section 3. A brief statement on the maintenance of intersegmental efforts to coordinate the planning and developmemt of programs for students with disabilities [sect. 67312. (a) (3) and (b)].

Catherine Campisi Johns, DSPS Coordinator, serves as the Chancellor's Office representative to the AB 746 Task Force. With Chancellor's Office staff support she has undertaken the following activities:

1) development of an intersegmental survey format for the evaluation of student and staff perception of the effectiveness of DSP&S;

2) development of a common intersegmental definition of "enrollment", "retention", and "transition" required for future reports;

3) implementation of two intersegmental workshops by the State Architect's Office for college disabled student services and facilities staff in the physical access requirements of Title 24 of the California Building Code, which the collleges are to utilize in the provision of accessible facilities.

Section 4. A workplan and outline of the 5-year comprehensive evaluations of state-funded programs and services for disabled students [sect. 67312 (a) (4)].

Section 67312 (a) (4) of AB 746, which outlines the evaluation requirement of DSP&S, calls for the segments to:

> "Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years. At a minimum, these systems shall provide for the gathering of outcome data, staff and student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of Section 794 of Title 29 of the Federal Rehabilitation Act of 1973."

Prior to the enactment of AB 746, the Chancellor' Office implemented a program evaluation mechanism for DSP&S which utilizes a site review by DSP&S peers and a survey of staff and student perceptions of programs and services. The site review examines campus accessibility as well as strengths and weaknesses of program components. The survey, which includes demographic data on participants, involves an evaluation of self-reported goals and outcomes of

educational activities. Each campus is evaluated approximately once every five years. In December of 1987 a summary report was prepared which summarized the findings of the first 52 colleges to undergo DSP&S program evaluation (see Attachment 3). A similar report drawing together the findings from all 107 DSP&S evaluations will be presented to the Board of Governors in July of 1990.

Additional DSP&S evaluation and accountability efforts to meet the requirements of AB 746 as described below are, also, underway:

1) A plan to gather student outcome data, as required by AB 746, has been developed in cooperation with the Management Information Services Unit. As required by AB 746, collection of data on a campus-by-campus basis will include the enrollment, retention, transition, and graduation rates of disabled students [section 67312 (4) (b)]. The projected timeline for the availability of this data is 1991-92.

2) The DSP&S Unit and the Chancellor's Office Facilities staff are cooperating to gather systemwide data to identify remaining architectural barriers at the colleges. It is anticipated that this information will be available in time for the colleges to use it for the submission of their 1992-93 Capital Outlay Plan to the Chancellor's Office. In the interim, the DSP&S and Facilities Units have increased their coordination and technical assistance to the colleges in support of campus efforts to submit funding requests for removal of identified architectural barriers in connection with the Five Year Capital Outlay Plan.

Board of Governors
California Community Colleges
July 13-14, 1989

ALLOCATION FUNDING FORMULAS FOR DSP&S AND EOPS 2

Second Reading, Action Scheduled

Background

Disabled Students Programs and Services (DSP&S)

Disabled Students Programs and Services (DSP&S) of the California Community Colleges was enacted in 1976 through the passage of AB 77 (*Education Code*, Sections 72011, 78600, and 84850) to provide a variety of support services and instruction to approximately 52,000 disabled students to increase their access to campus programs and facilitate progress toward their educational goals. In 1987-88, the State provided $21.4 million in categorical funds for DSP&S.

Extended Opportunity Programs and Services (EOPS)

Extended Opportunity Programs and Services (EOPS) was established in 1969 to encourage colleges to provide support services to students disadvantaged by language, social, and economic hardships. In 1988-89, the Chancellor's Office allocated $27.9 million in categorical funds to 105 colleges to serve more than 39,000 students at an average of $266,000 per colleges, or $700 per student.

Analysis

This item proposes a new approach to the allocation of categorical funds for DSP&S and EOPS. While the new allocation formulas are different in certain aspects, they were developed based on the same funding principles. Differences have been carefully examined and remain only where necessary for program integrity. In an effort to review and recommend revisions to their respective allocation formulas, DSP&S and EOPS convened task forces in early 1989 composed of representatives from the colleges, Legislature, Department of Finance, Legislative Analyst's Office, and the Chancellor's Office. To provide additional assistance, the Chancellor's Office contracted with MPR Associates, a Berkeley consulting firm that has previous experience with program-based funding and other community college fiscal issues.

MPR was asked to evaluate the current allocation formulas; develop alternatives based on suggestions from the task forces, field surveys, and the Chancellor's Office staff; and make recommendations for revisions to the formulas.

The following goals were established for the revision of the allocation formulas:

- The formulas should be simple and clear so that college administrators and business officers can understand the basis for the allocations they receive and predict future allocations with some certainty.
- The formula should be equitable with respect to program size; in this context, "equity" means that students with similar needs should receive similar services, regardless of the college attended.
- The formulas should be cost-based; *i.e.*, funding for services should be based on the fixed and variable costs of operating a program.
- The formulas should minimize the impact of major shifts in the allocations of funds by phasing in change.
- The DSP&S and EOPS formulas should be similar where feasible.

This agenda item, including the allocation formulas proposed in the attached report, was presented to the Board for First Reading at its May 11-12, 1989, meeting. It is being presented at the July meeting for Second Reading and final action.

Recommended Action

That the Board of Governors adopt the allocation formulas proposed by staff for the distribution of funds for Disabled Students Programs and Services and Educational Opportunity Programs and Services.

Staff Presentation *James M. Meznek, Vice Chancellor*
Educational Policy

Susan A. Cota, Specialist
Disabled Students Programs and Services

Rod Turner, Specialist
Extended Opportunity Programs and Services

APPENDIX A

PROPOSED DISABLED STUDENTS PROGRAMS AND SERVICES (DSP&S) ALLOCATION FORMULA

Overview

To obtain input and technical assistance in the revision of the DSP&S allocation formula, several actions were taken by the DSP&S Unit of the Chancellor's Office.

A DSP&S Allocations Task Force was formed that included program staff from Districts – which were diverse by region, size, and type of DSP&S Program – and one representative each from the Chief Executives' Council, the Chief Student Services' Officers, and the Association of College Business Officers.

Prior to the first meeting of the task force, a survey was sent to all DSP&S staff to gather opinions on the strengths and weaknesses of the existing formula and recommendations for change. The survey findings were presented at the first meeting and formed one of the data elements utilized as a basis for revising the formula.

In addition, MPR Associates, a Berkeley-based consulting firm with expertise in community college funding, was retained to assist in the analysis, evaluation, and revision of the formula.

Once a revised formula had been developed, it was presented for review and comment to various community college groups, including the Allocations Task Force, DSP&S Regional Facilitators, Chief Student Services Officers, Chief Instructional Officers, and the Chancellor's Cabinet.

The Existing DSP&S Allocation Formula

As a first step in revising the allocation formula, the existing DSP&S formula was thoroughly evaluated by DSP&S staff at the colleges, the DSP&S Allocations Task Force, and MPR Associates. Major weaknesses were found in the following areas:

1. Lack of Simplicity and Clarity

The existing formula is neither clear nor simple to understand. A survey of DSP&S staff revealed a widespread lack of understanding of how the formula works. The interaction of the four elements in the existing formula is extremely complex and confusing. In addition, it is difficult to ascertain the rationale for some of the elements and conditions.

2. Inequitable Distribution of Funds

State funds for programs and services for students with disabilities are not distributed equitably among the colleges. Because these funds are allocated pursuant to State legislation that provides for equality of educational opportunity to disabled students in public postsecondary education, it is reasonable for students to expect an approximately equivalent level of services from any community college. Under the existing allocation formula, this is not the case. The amount spent varies from $26 to $2,667 per weighted student. Although some variation could be expected, such extremes in funding are difficult to justify.

3. Lack of Relationship between the Allocation and Program Funding

The provisions of Assembly Bill 746, as enacted into Sections 67310-67313 of the *Education Code*, requires public postsecondary institutions in California to request State funds for services to disabled students based on the actual costs of providing those services. Accordingly, since AB 746 was enacted, Budget Change Proposals for DSP&S have been based on this requirement. The existing allocation formula places comparatively lesser emphasis (40%) on weighted student count, which is the element most reflective of the actual cost of services. Therefore, a discrepancy exists between the basis on which funds are provided by the State and the way they are distributed to the colleges.

The Proposed DSP&S Allocation Formula

The proposed DSP&S allocation formula was designed to overcome the weaknesses listed above. Primary considerations were given to:

- Clarity and simplicity,
- Equity,
- Congruence with the requirements of AB 746,
- Limited adverse impact on programs, and
- Similarity with EOPS, where feasible.

The proposed formula, which emphasizes the actual cost of providing services to disabled students, has three elements:

1. The Base Allocation (Fixed Costs)
2. Students Served Weighted by Disability Group
3. College Effort

1. The Base Allocation

A base allocation of $50,000 per college is proposed. This amount is intended to cover the salary and benefits of a certificated DSP&S Coordinator, as required by Section

56068 of Title 5. The amount of the base allocation was determined on a statewide average cost of $48,000 for salary and benefits of a certificated staff person. It is recommended that the base allocation be reviewed periodically and adjusted for inflation as appropriate.

2. Weighted Number of Students Served

After the base allocation has been distributed, it is recommended that 90 percent of the remaining funds be allocated on the basis of the numbers of students served, weighted by disability group. Weights are assigned according to disability group, given that, on the average, the service needs of students with various disabilities vary in cost.

3. College Effort

The proposed formula rewards "college effort," which is measured by the college general fund revenues allocated to serve students with disabilities. Ten percent of the DSP&S funding provided by the State is to be distributed to the colleges based on this element of the formula. College effort is calculated in the following manner:

> *College Effort = Total Program Cost - General College Apportionment (after indirect cost rate deduction) - Other Income - VEA Allocation - DSP&S Allocation*

Simulations indicate that given currently available funds, the proposed 10 percent weight for this element would generate 41 cents from the State allocation for each $1 of college general fund money spent.

In addition to the elements and their weights, several additional new policies for allocation of funds are recommended. These include:

- **Use of Year-End Actual Cost Data vs. Mid-Year Projections**

  The year-end report of actual expenditures should be used to compute the DSP&S allocation rather than the mid-year report, which is currently used and reflects projected expenditures. Because use of actual cost data will delay the computation of the allocation, colleges should be given 95 percent of their previous year's allocation in July as part of the first apportionment.

- **Phase-In of the New Allocation Formula**

  To avoid drastic major shifts of funds between colleges, which would damage some DSP&S Programs, the new allocation formula should be implemented on a gradual basis. Reductions in funding to a college should be limited to 5 percent per year. Allocations to colleges should be allowed to increase by more than 5 percent, based on the availability of funds.

▸ Use of COLA, Growth Money, and New Revenues

Both the Cost-of-Living Adjustment (COLA) and growth money, when provided, should be determined after the formula has been computed rather than used for equalization purposes as they have been in the past. Whenever possible, new monies allocated to DSP&S should be distributed through the formula. One exception to this policy, per the Department of Finance, is augmentation money for assessment and services for Learning Disabled (LD) students. These funds will be allocated on the basis of the number of students assessed and found LD-eligible in the previous fiscal year.

Policy Implications

- The proposed DSP&S allocation formula is congruent with the actual cost requirements of the *Education Code* and moves the allocation of funds in the direction of program-based funding. It exemplifies the legislative intent to provide funds on the basis of actual costs, because 90 percent of the allocation is based on the weighted student count, which serves as a workload measurement.

- The proposed formula rewards colleges and provides an incentive for them to provide general college revenues to programs and services for disabled students. Although colleges are required to provide these services by State and federal law, some go beyond the minimum requirements and supplement State funds with local college revenues as needed.

- Allocation of funds specified by the Legislature for COLA, growth, or new programs and services should be allocated separately from the proposed allocation formula. This separates ongoing State support for DSP&S from specially designated funds.

Recommendations

1. The Board of Governors should adopt the proposed DSP&S allocation formula for implementation in Fiscal Year 1989-90.

2. The Board of Governors should adopt the following fiscal policies related to the allocation of DSP&S funds:

   a. The year-end report of actual expenditures should be used to compute the DSP&S allocation. Colleges should be given 95 percent of their previous year's allocation in July as part of the first apportionment.

b. To avoid drastic major shifts of funds between colleges, the reduction in funding to a college should be limited to 5 percent per year, while funding for colleges should be allowed to increase more than 5 percent based on availability of funds.

c. Both COLA and growth money, when provided, should be determined after the formula has been computed and should not be used for equalization purposes. Whenever possible, new monies allocated to DSP&S should be distributed through the formula. One exception to this policy will be augmentation money for assessment and services for Learning Disabled students.

3. The Board of Governors should direct the Chancellor's Office to design and implement a work plan to support a program-based model for requesting and allocating DSP&S funds, per the mandate of AB 746 and the long-term intent of community college reform. Such a plan should include the establishment of standards for services to disabled students and validation of the weights that reflect the assigned cost of services to various disability groups.

APPENDIX B

PROPOSED EXTENDED OPPORTUNITY PROGRAMS AND SERVICES (EOPS) ALLOCATION FORMULA

Overview

The allocation formula being proposed for the Extended Opportunity Programs and Services (EOPS) program meets the primary goals established by the Chancellor's Office. It is clear and concise. It provides for the equitable distribution of funds since its basic premise is that colleges serving the most students will receive the most money. It is cost-based, which means that the allocation formula will provide each college with the same dollar amount per student served. (The service received by the student is defined by the the program in regulations and guidelines.) Additionally, the formula will be phased in to avoid sudden, major dislocations of funds. Reductions will be kept to no more than 5 percent a year and all colleges will share equally cost-of-living increases provided by the Budget Act. An important additional goal has been to make the allocation formulas for EOPS and DSP&S similar, where feasible.

The process used to develop the EOPS allocation formula was slightly different than that used for DSP&S, in that work on a new EOPS formula had begun in March of 1988. No further work was performed until MPR Associates, a Berkeley-based consulting firm with expertise in community college funding, was retained to assist in the development of a new allocation mechanism. To obtain input from the field, the Chancellor's Office convened a meeting of the original Allocation Task Force that had worked on the new formula. The purpose of the meeting was to review the proposed formula and discuss the alternatives prepared by MPR staff. Following the meeting, a proposal for a new formula was recommended to the Chancellor's Office by MPR Associates. The proposal was accepted with minor modifications to bring it more closely in line with the DSP&S formula.

Proposed Elements of the Formula

The proposed EOPS allocation formula consist of three basic elements.

1. *Base Allocation.* A base allocation is intended to cover the fixed costs associated with operating an EOPS program – that is, costs that do not vary according to the number of students served, such as clerical support or counseling. This amount insures that even the smallest college can support a program. It recognizes that programs with small numbers of students would not generate sufficient funding through the formula to insure their survival. The DSP&S formula provides a base allocation of $50,000 per college. A

comparable base allocation for EOPS would also promote consistency between the formulas. The amount of the base allocation should be reviewed every two years and adjusted as necessary to reflect inflation.

Therefore, staff recommends that a base allocation of $50,000 be established for the EOPS program at every community college.

2. *Students Served.* Because the major driver of program cost is the number of students served, the greatest weight in the allocation formula should be given to that element; *i.e.*, the colleges that serve the most students receive the most money.

Chancellor's Office staff, members of the Allocation Task Force, and MPR Associates, agreed that using the number of students served as an element in the allocation was practical because the majority of the allocation was expended for that purpose. Sections 56204 and 56222(c) of Title 5 define "student served" as follows:

> For purposes of allocating EOPS funds, conducting audits and evaluations, an EOPS student served is a person for whom, at minimum, the EOPS program has documentation in the student's file of an EOPS application, Educational Plan, and Mutual Responsibility Contract developed pursuant to Section 56222(c).

Staff recommends that 90 percent of the remaining funds be allocated on the basis of the number of students served, as defined by Title 5 regulations.

3. *College Effort.* Section 56210 of Title 5 requires that

> . . . the college maintain the same dollar level of services supported with non-EOPS funds as the average reported in its final budget report in the previous three academic years. At minimum, this amount shall equal the three-year average or 15 percent of the average EOPS allocation to that college for the same three base years, whichever is greater.

College effort is defined as salaries and benefits paid by the district to EOPS staff and discretionary expenditures of general funds for the EOPS program. General funds used for financial aid may not be counted for the purpose of determining college effort. The rationale is that EOPS students are entitled to the same level of services provided to non-EOPS students. Some colleges would have an unfair advantage over others, depending on the amount of financial aid the college received from the federal government. Additionally, if federal financial aid received by the college required a match, and federal financial aid program funds were reduced, the college would still be required to contribute the same amount of college effort to the EOPS program as before.

Although college effort has not been included previously in the EOPS allocation formula, proposals for its revision have included a factor that rewards the colleges for contributing their own funds. In the determination of college effort, a college would receive a specific amount for every dollar it contributed in excess of the 15 percent minimum. Because there is no incentive for providing funding at the 15 percent level, college effort should be calculated on amounts that colleges provide in excess of the 15 percent level. In 1987-88, colleges contributed $6.5 million in non-EOPS funds. A total of 52 colleges contributed funds over the 15 percent level. In calculating the 15 percent contribution, staff included as college effort, the positions of EOPS college personnel funded by Vocational Education Act funds.

It is recommended the formula should allocate the remaining 10 percent on the basis of college effort. This division is consistent with the goal of basing funding for programs and services for disadvantaged students on actual cost.

For the purpose of the EOPS allocation formula, college effort has been defined as college general fund expenditures, including VEA funds, allocated for salaries, benefits, and discretionary items used to support programs and services.

Phasing-In Change

Although a formula with these components would meet the goals described above, an immediate shift to this new allocation formula would result in major changes in funding for many colleges, the magnitudes of which are described below. To smooth this transition, change needs to be phased in. Several approaches are possible, each with its own advantages and disadvantages.

The most conservative approach would be to hold colleges harmless at their current amounts and allocate any new funding to colleges receiving less than they should according to the new formula. This approach would cause the least disruption for colleges that stand to lose funding under the new formula: however, unless there were a significant infusion of new funds for EOPS, the colleges that should gain from the new formula would never actually see the amounts to which they are entitled.

A more radical approach would be to set a time at which the new formula would go into effect, perhaps three to five years in the future. Each year, the Chancellor's Office would report two dollar amounts to colleges: (1) the amounts colleges would have received under the new formula, and (2) the amount they were entitled to, given certain limits to growth and decline. Colleges would have to make all necessary adjustments to their programs within the three- or five-year period. At a specified time, the new formula would become effective. Some colleges would suffer substantial reductions and others would receive large infusions of new money, but the former would have had several years to make adjustments to their program in preparation for the cuts.

This approach has a major disadvantage for categorical programs, however. Colleges that would lose funds under the new formula would either have to make massive changes in one year, which would be very disruptive, or have to cut back each year, which would leave unspent EOPS funds during that time. On the other hand, colleges that would gain funds under the new formula would either have to make large increases in one year or institute gradual increases from their own funds.

A third approach would be to set limits to growth and decline. The impact on the colleges and the length of time required to reach the formula-specified allocations would depend on what limits were set and how much new money was made available. A variation of this approach, which staff recommends, would be to limit decline to 5 percent, but to allow colleges allocations to grow more than 5 percent if funds were available. This approach would allow equalization to occur more quickly than if growth were limited to 5 percent.

Based on this set of proposals, staff recommends that the new allocation formula be phased in gradually to avoid sudden major dislocations of funds. Declines will be limited to 5 percent per year. Additionally, cost of living adjustments shall be allocated separately from the formula and applied equally to all colleges after the formula-driven allocation is determined. In addition, any new funding for EOPS would be distributed through the formula.

For the past seven years, the EOPS program has, as a matter of policy, imposed a penalty on colleges that returned more than 5 percent of their allocation after the end of the fiscal year, to late to reallocate to other colleges. Staff believes that this policy should be a factor in the allocation of resources and be continued under a new allocation formula.

This recommendation would encourage colleges to use their allocations more effectively to support the EOPS program.

Colleges that return more than 5 percent of their allocation after the end of the fiscal year will have their next allocation reduced on a dollar-for-dollar basis by the amount in excess of 5 percent of their prior years allocation.

Recommendation

The staff recommends that the Board of Governors endorse the proposed allocation formula recommendation submitted by the Chancellor for the allocation of funds for the Extended Opportunity Programs and Services.

Implementing Guidelines
For Title 5 Regulations

Disabled Student Programs and Services (DSP&S)

Chancellor's Office
California Community Colleges
Student Services Division/DSP&S Unit

February 1989

IMPLEMENTING GUIDELINES
FOR TITLE 5 REGULATIONS

DISABLED STUDENT PROGRAMS AND SERVICES (DSP&S)

This document includes the Title 5 Regulations for DSP&S (Title 5, California Code of Regulations, Sections 56000-56088), which were enacted in April 1988 and the Implementing Guidelines, including documentation requirements for the Regulations developed by the Chancellor's Office.

The format of the document consists of the text of the Title 5 Regulations (printed in small type) followed, where appropriate, by the Implementation and Documentation sections (in larger type).

The Implementing Guidelines for the Title 5 Regulations for DSP&S represent the consensus of the Chancellor's Office regarding interpretation of the regulations. The Guidelines are designed to provide technical assistance to college staff in administering DSP&S programs.

It is important to note that the Guidelines are not regulations which have gone through the full regulatory approval process. College staff are encouraged, but not required, to use the Guidelines in administering the DSP&S programs. It is the responsibility of the colleges to establish programs, policies, and procedures which meet the requirements of these and other relevant statutes and regulations.

College staff should also note that the Implementing Guidelines are subject to change as regulations and/or interpretations change. Copies of any changes will be distributed to the colleges by the Chancellor's Office.

Additional copies of the Implementing Guidelines may be obtained by writing to the DSP&S Unit, California Community Colleges, Chancellor's Office, 1107 9th Street, Second Floor, Sacramento, California 95814.

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IMPLEMENTING GUIDELINES
FOR TITLE 5 REGULATIONS

Disabled Student Programs and Services (DSP&S)

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

56000. Scope of Chapter

This chapter applies to community college districts offering educational programs and support services, on and/or off campus, to students with disabilities pursuant to Education Code Sections 78600 and 84850.

Programs receiving funds apportioned pursuant to Education Code Section 84850 shall meet the requirements of this chapter. Any expenditures under the authority of this chapter must meet the following conditions:

(a) The service and/or instruction is consistent with the stated purpose of programs for students with disabilities as set forth in Section 56030 of this chapter;

(b) The service and/or instruction does not duplicate services or instruction which are otherwise available to all students;

(c) The educational need for the service and instruction is directly related to the functional limitations of the verifiable disabilities of the students to be served;

(d) The need for the service and/or instruction is directly related to the student's participation in the educational process;

(e) The goals of services and/or instruction are independence and maximum integration of students with disabilities. Services and/or instruction should lead to successful participation in the general college curriculum, vocational preparation and enhanced potential for achieving personal/social goals;

(f) Services and/or instruction are provided in the most integrated setting possible consistent with the mission of the community colleges.

Note: Authority cited: Sections 71020 , 78600 and 84850 Education Code .
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

The introductory paragraph of this section indicates that these regulations apply to all activities authorized under Education Code Sections 78600 and 84850. This means any activity for which a district receives direct excess cost funding from the State to serve students with disabilities. This includes special classes and support services for students with disabilities in either regular or special classes, regardless of whether the class is offered on or off campus for credit, noncredit or non-degree credit. Community service courses are not eligible for direct excess cost funding, and services provided to disabled students in such courses are not governed by these regulations.

This section also implements a requirement of Assembly Bill 746 (c.829 stats.1987) that expenditures under the DSP&S program must conform to the six specified criteria outlined in "a" thru "f" above. These criteria apply to funds for services to disabled students in public postsecondary education in California. .The DSP&S Program Plan required under Section 56046 must demonstrate that all activities conducted with State funds meet these criteria.

Subsection (a) requires that services and instruction be consistent with the purposes of the DSP&S program. These purposes are identified in subsection (e) of this section and in Section 56030. They include integrating disabled students into the general college program; facilitating general education, transfer, or vocational preparation; increasing independence; and making referrals to community resources. Therapy and/or custodial care are not appropriate functions of the DSP&S program. The determining factors for instruction and services should be the purpose and duration of the program. As an educational institution, the colleges are designed to help students acquire skills in a particular area. While this process may require more time due to the limitations from the disability and may require adapted instruction, its purpose should be instructional rather than therapeutic. Adaptive physical education, for example, should serve as an adapted instructional mode for the learning of physical education skills--swimming, basketball, general exercise--rather than as a method to engage in therapeutic activities. The process may be secondarily therapeutic, but the primary intent should be instructional.

Subsection (b) prohibits provision of services or instruction which duplicate those otherwise available to all students. This means that DSP&S services are not intended to replace or supplant existing general college services. Separate special programs, classes, or services should only be established when regular services or instruction, combined with the provision of support services, cannot meet the educational needs of disabled students. Under Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 794), disabled students must have access to the general college services and instructional process. DSP&S is intended to provide the additional, specialized support which allows disabled students to more fully access and benefit from the general offerings and services of the college. For example, tutoring services provided through DSP&S should provide disability-related tutoring rather than general tutoring available through the Learning Center, EOPS, or other sources. In regard to special instruction, classes must meet a unique instructional need directly related to the disability which cannot be accommodated in a regular class with support services.

Subsection (c) requires that the educational need for the service must be directly related to the student's disability at the time it is verified. Thus, DSP&S funds cannot be used to meet needs a student may have which do not result from his or her disability. For example, the DSP&S program may provide specialized instruction to address a student's learning disability, but this should not include instruction designed to overcome learning problems attributable to linguistic or cultural differences.

Subsection (d) states that services or instruction must be directly related to participation in the educational program. Therefore, DSP&S funds cannot be used to meet personal or social needs which exist regardless of whether the student is attending college. The provision of personal attendant care and/or durable medical equipment are among the services which would be excluded under this provision.

Subsection (f) mandates provision of services and instruction in the most integrated setting possible, consistent with the mission of the college. This means that, wherever feasible, students with disabilities should be served in integrated programs with non-disabled students.

DOCUMENTATION:

The fact that the requirements of this section have been satisfied with respect to any particular student should be documented as part of the IEP process (see Section 56022). The fact that these requirements are satisfied by the DSP&S Program as a whole is to be documented through the special class approval process (see Section 56028) and through the college's program plan (see Section 56046).

56002. Disabled Students

Disabled students are persons with exceptional needs enrolled at a community college who, because of a verified disability, cannot fully benefit from additional specialized services and/or educational programs.

Disabilities do not include those which are solely attributable to economic, cultural, or language disadvantages; or those temporary disabilities that are expected to continue less than forty-five days as determined in Section 56008.

Wherever in this chapter the term "student" is used, such reference means a disabled student served in Disabled Student Programs and Services (hereinafter DSP&S) pursuant to Sections 56010-56020 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section gives the general definition of a disabled student. To qualify, a person must:

(1) be enrolled at a community college (see Section 56070);

(2) have a verifiable disability (see 56010-20);

(3) be unable to fully benefit from the regular programs and services offered by the college due to the disability; and

(4) need services or instruction available through DSP&S in order to overcome these disability-related problems.

DOCUMENTATION:

Documentation that students meet these criteria should be available in their files. These documents outlined in verification of disability (see Section 56008) and the Individual Educational Plan (see Section 56022) should include but are not limited to the following:

A signed application for services

A medical release form

Verification of disability

Individual Educational Plan including criteria for assessment of measurable progress

Verification of services provided

56004. Appropriate Adaptive Behavior.

Appropriate adaptive behavior is the behavior of a student who assumes the social responsibility necessary to participate in the educational setting in which the student is enrolled. When a determination is needed, appropriate adaptive behavior shall be determined by certificated DSP&S staff.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

Appropriate adaptive behavior is evidenced when a student has the necessary social responsibility to participate successfully in the educational setting in which the student is enrolled. Social responsibility involves the ability to participate in the educational environment by demonstrating personal responsibility, interactive skills, and independent functioning as appropriate to the relevant disability group considering such factors as age, gender, and culture.

Appropriate adaptive behavior is assumed to exist absent any evidence to the contrary. This assumption provides equity between disabled and non-disabled students and meets federal and state requirements for nondiscrimination on the basis of handicap. No judgment is made about a student's ability to function in the educational setting unless inappropriate behavior is evidenced. If a history of inappropriate behavior exists for a student in a different setting, the DSP&S staff member should review such information as the recency of the behavior, the degree of inappropriateness, the frequency of occurrence, and previous interventions completed. This evidence may be used as part of the intake/screening process which may result in referral to a more appropriate setting. Unless the

person willingly accepts the alternative placement, it may be necessary to allow him/her to begin the enrollment process and succeed or fail according to the Code of Student Conduct and/or measurable progress standards as outlined in the Individual Educational Plan.

In an effort to define terms related to this Title 5 section, the Adaptive Behavior Task Force concluded that inappropriate adaptive behavior can generally be placed into one of three categories, each of which requires a different intervention. These categories are:

(1) SOCIALLY UNACCEPTABLE AND DISRUPTIVE BEHAVIOR THAT INTERFERES WITH THE EDUCATIONAL PROCESS

Socially unacceptable and disruptive behavior interferes with the educational process and causes a disruption to students, faculty, and staff which violates the campus Code of Student Conduct. This includes violent or abusive behavior but is not limited to these areas. Other examples of such behavior may include continued, inappropriate talking or questioning in class, chronic or extreme disorientation, or repeated inappropriate verbal or physical interaction with students, faculty, or staf despite (a) warnings about the inappropriateness of the behavior and (b) reasonable attempts to resolve the disruptive situation.

In these cases, the behavior of the student is at issue; not the source of the behavior. The Code of Student Conduct which should exist at all colleges should be used to address situations involving this type of behavior. If a student's behavior is sufficiently disruptive to be an issue in the educational setting, disqualification from DSP&S services alone is an inappropriate solution because the student may still attend classes and cause disruption to college staff and other students. Therefore, if the behavior is interfering with the educational process and cannot be ameliorated, the interventions including suspension and dismissal called for in the Code of conduct are preferred methods of dealing with the problem. The existing Code of conduct should outline the process for dealing with persons exhibiting such behavior which may lead to suspension from class and/or dismissal from the campus. The procedure should include due process safeguards such as notice and opportunity to object to any adverse action. In order to protect the legal rights of all concerned, a DSP&S credentialled staff person and/or the designated Section 504 Coordinator should participate on the review panel when a disabled student's conduct is in question. This is especially vital if the behavior is in any way disability-related since in such cases the college may be required to show that no reasonable accommodation is available to deal with the behavior. Colleges may wish to expand their Code of Student Conduct to include statements of nondiscrimination and examples of behaviors that may be atypical but are not to be considered disruptive. Examples are: 1) Use of a tape recorder by a visually-impaired or LD student; 2) A speech-impaired student's verbal participation in class; 3) A back-injured person who has to stand or walk around periodically during class; and/or 4) A visually-impaired student who may ask for explanation of written materials at seemingly inappropriate times. Such behaviors are disability-related and require reasonable accommodation.

However, some behaviors may be extreme enough to be outside the boundaries of reasonable accommodation and require intervention by the college consistent with the Code of Student Conduct. An example would be a student with epilepsy who is unable to control severe and frequent seizures; the result being that the episodes are extremely disruptive to his/her classmates' educational process. At this particular college the Code of Student Conduct addresses the situation of extremely disruptive behavior. Numerous unsuccessful attempts had been made to remedy the problem. Therefore, the college may choose to ask the student to leave class and pursue alternative instructional settings (e.g., independent study, telecommunications).

2) IRRESPONSIBLE BEHAVIOR, PARTICULARLY IN THE USE OF DSP&S SERVICES

While this type of behavior may lead to a misuse of services, the behavior is not disruptive to the college as a whole and, therefore, is not dealt with through the Code of Student Conduct.

In meeting its responsibility to wisely utilize resources so that all students can receive equitable services, the DSP&S program has a charge to see that services are used in a responsible manner. Accordingly, boundaries may be set that lead to cessation of a particular service if the service is misused. Examples of this type of behavior include students' repeated failure to notify the program of absences resulting in the incursion of cost of the service (interpreter, tutor, van), and/or inappropriate use of a service for personal or unauthorized activities. These situations are best dealt with through a clear delineation of the policies regarding the service at the point of entry of the student. Service policies should be provided in writing and should be explained to the student. A signature of the student acknowledging the policy notification may be helpful.

Common policies include a certain number of absences (3) without notice, after which the service will be terminated until the student requests its reinstatement. Repeated instances of such absences may lead to the need for a service contract between the student and DSP&S. If the student continues to violate the terms of the agreement and has received written feedback about his/her behavior, the particular service may be terminated for the term. If repeated abuse of the service occurs despite intervention, the service may be discontinued until the student's behavior has changed sufficiently so that abuse is no longer likely to continue.

3) BEHAVIORS WHICH INTERFERE WITH STUDENT PROGRESS BUT WHICH ARE NOT DISRUPTIVE AND DO NOT INVOLVE MISUSE OF SERVICES

Students may exhibit inappropriate or maladaptive behaviors which interfere with their progress in the educational environment, but which are not disruptive or blatantly irresponsible in the use of a service. Examples of such behavior may include sporadic attendance at class, lack of attention in class, or lack of completion of assignments. In cases where students are enrolled in mainstream classes, instructors should hold disabled students to the same curriculum standards as their non-disabled peers with the provision of reasonable accommodation. The application of such standards will resolve the issue of student progress without extra intervention by DSP&S.

In cases where students are enrolled only in special classes, minimum requirements should be established for measurable progress. Where appropriate, the requirements for adaptive behaviors may also be included in the Individual Education Plan (IEP), and progress or the lack thereof should be systematically documented. Examples may include regular attendance in class and ability to attend to the instruction for the duration of the class. If a lack of measurable progress toward IEP goals is documented, the student should be notified as to possible cessation of DSP&S services. If the student continues to not make measurable progress, services from DSP&S should be discontinued and he/she should be referred to a more appropriate placement.

DOCUMENTATION:

Standards of appropriate adaptive behavior, including the Code of Student Conduct and service provision policies, should be incorporated into the DSP&S Program Plan required under Section 56046. Students should be notified in writing of DSP&S service provision policies and procedures, including appeal procedures, upon enrollment or service initiation.

56006. Functional Limitation.

A functional limitation results from a disability defined in Sections 56010-56020 of this chapter. A functional limitation inhibits the student's ability to participate in the general educational offering(s) of the college.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56008. Verification of Disability.

Verification of a primary disability as defined in Sections 56010- 56020 of this chapter is necessary to establish eligibility for participation in Disabled Student Programs and Services. The disability shall be verified by credentialed DSP&S personnel based upon observation or documents provided by credentialed, certificated, or licensed professionals. The verification must identify the disability and its functional limitations.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section requires that every student participating in the DSP&S program must have a verified disability. Chancellor's Office audit procedures call for verification of a student's disability to be conducted as described below. These procedures outline accepted practices and are intended as guides to the college in the development of local DSP&S policies and procedures which must meet regulatory requirements.

Verification of disability should be performed in one of three ways:

First, the person designated by the college as the DSP&S Coordinator may, through personal observation, verify the existence of an observable disability. Use of this procedure is limited to conditions that can be seen externally, e.g., quadriplegia, paraplegia, amputation, cerebral palsy. This observation must be documented in the student's file and state the observed disability and functional/educational limitation(s) of the student.

Second, a staff member who is separately licensed or certified in a professional field to diagnose specified conditions, such as learning disabilities or speech pathology, may verify the existence of a disability using assessment techniques approved in the program plan.

Third, DSP&S staff may verify disability based on documentation provided by a licensed or certified professional capable of diagnosing the disability in question. If the person signing the verification is not qualified to diagnose the condition in question, (e.g., a nurse), the verification should state that it was based on a review of records prepared by an identified licensed or certified professional who did perform the diagnosis. The name and address of the professional should also appear on the document.

Requirements for verification of disability apply to students served at community-based facilities as well as students served on-campus. Accordingly, verification for students from these sites should identify and describe the disability and the functional limitations which inhibit the educational process. If the verification is based on documents provided by a community-based facility, the college should advise the facility of its responsibility for providing accurate information for verification as outlined in methods 2 and 3 of this section. Auditors must be allowed access to records maintained at such facilities and, in the event that significant errors are discovered, the college must ensure that procedures are modified. In the event that facilities are unwilling to comply with these procedures, the college should refrain from serving students referred from these sites.

DOCUMENTATION:

A verification of disability form should be placed in each student's file. The form should have the necessary information cited above, and it should be signed by the appropriate credentialled, licensed, or certified professional. The verification should include the functional limitations resulting from the disability so that its impact on the student in the educational setting can be appropriately determined.

56010. Physical Disability.

Physical disability means a visual, mobility, orthopedic or other health impairment.

(a) Visual impairment means total or partial loss of sight.

(b) Mobility and orthopedic impairments mean a serious limitation in locomotion or motor functions which indicate a need for one or more of the services or programs described in Sections 56026 and 56028 of this chapter.

(c) Other health impairment means a serious dysfunction of a body part or system which necessitates the use of one or more of the supportive services or programs described in Sections 56026 and 6028 of this chapter.

(d) The student with a physical disability must exhibit appropriate adaptive behavior as defined in Section 56004 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines physical disability. The various types of physical disabilities are further defined in the 1980 HSP&S Resource Manual.

These definitions meet Chancellor's Office audit requirements and are suggested to the colleges. It is the responsibility of the college to define physical disability in a manner which meets regulatory requirements. The definitions state:

(1) Visual impairments include the following conditions:

(a) Blindness is visual acuity of 20/200 or less in the better eye after correction; or visual loss so severe that it no longer serves as a major channel for learning.

(b) Partial sightedness is visual acuity of 20/70 or less in the better eye after correction, with vision which is still capable of serving as a major channel for learning.

(2) Orthopedic impairment includes the following conditions:

Impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures and burns which can cause contractures).

(3) The term "other health impairment" is interpreted as:

Limited strength, vitality, or alertness due to chronic or acute health problems which adversely affect an individual's educational performance. Examples of these "other health impairments" are: heart conditions, tuberculosis, nephritis, sickle cell anemia, hemophilia, leukemia, epilepsy, acquired immune deficiency syndrome (AIDS), or diabetes, which adversely affect an individual's educational performance.

Conditions which do not generally qualify as physical disabilities under these definitions include aging, allergies, hypertension, obesity, pregnancy, pre-menstrual syndrome, etc. However, there MAY BE situations in which some of the conditions listed above DO constitute disabilities because they inhibit mobility or otherwise impose functional limitations which impede access to the educational process. For example, a person with complications from pregnancy may require mobility assistance (use of the tram from class to class) if the functional limitation of inability to walk long distances is medically verifiable and interferes with the educational process. In such circumstances, the college must have appropriate documentation to demonstrate the student's qualification for service. Psychological impairments and substance abuse do not qualify as "other health impairments" even when the substance abuser is recovering. Students who have an identifiable physical, communication, or learning disability may receive services designed to address the functional limitations of that disability, despite the fact that they also have a psychological impairment or are substance abusers. In such cases, the college must be able to demonstrate that the psychological impairment or substance abuse problems do not preclude the student from making measurable progress. Colleges should note that despite the fact that students with psychological impairments or substance abuse problems do not qualify for services funded by excess cost dollars, institutions have a responsibility under Section 504 and AB 803 to see that these students are not discriminated against, that programs are accessible to them and that reasonable accommodations are made for them in the educational process. The provision of such services can be funded by Vocational Education Act monies for disabled students or local funds.

DOCUMENTATION:

Files should contain verification of disability which identifies the particular disability, the functional limitation(s) resulting from the disability, and how the student's educational performance is impeded. The verification must be signed by a licensed, credentialed, certified professional.

56012. Communication Disability.

Communication disability is defined as an impairment in the processes of speech, language or hearing.

(a) Hearing impairment means a total or partial loss of hearing function which impedes the communication process essential to language, educational, social and/or cultural interactions.

(b) Speech and language impairments mean one or more speech/language disorders of voice, articulation, rhythm and/or the receptive and expressive processes of language.

(c) The student with a communication disability must exhibit appropriate adaptive behavior as defined in Section 56004 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines "communication disability". These definitions meet audit requirements of the Chancellor's Office and are suggested to the colleges in their development of local policies. It is the responsibility of the colleges to define "communication disability" in a manner which meets regulatory requirements.

Hearing limitation is interpreted to mean a functional loss in hearing which is measured as follows:

(1) A mild to moderate hearing-impaired person is one whose average unaided hearing loss in the better ear is 35 to 54 db in the conversational range or average aided hearing loss in the better ear is 20 to 54 db.

(2) A severely hearing-impaired person is one whose average hearing loss in the better ear (unaided or aided) is 55 db or greater in the conversational range, or a person with one of the following:

(a) Speech discrimination of less than 50%.

(b) Medical documentation of rapidly progressing hearing loss.

Speech limitation is interpreted to mean an impairment in the quality, accuracy, intelligibility or fluency of producing the sounds that comprise spoken language.

DOCUMENTATION:

Files should contain verification of disability which identifies the particular disability, the functional limitation(s) resulting from the disability, and how the student's educational performance is impeded. The verification must be signed by a licensed, credentialed, certified professional.

56014. Learning Disability.

Learning disability is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. This dysfunction continues despite instruction in standard classroom situations. Learning disabled adults, a heterogeneous group, are characterized as having:

(a) Average to above-average intellectual ability;

(b) Severe processing deficit(s);

(c) Severe aptitude-achievement discrepancy(ies);

(d) Measured achievement in an instructional or employment setting; and

(e) Measured appropriate adaptive behavior in an instructional or employment setting as defined in Section 56004 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section sets forth the definition of a learning disability (LD). For audit purposes, the existence of a learning disability should be verified in accordance with the assessment procedures described in Guidelines for Identifying California Community College Students with Learning Disabilities.

DOCUMENTATION:

Verification of disability must be signed by a credentialed, certificated professional utilizing the ***California Assessment System for Adults with Learning Disabilities.*** The completed Intake Screening and Eligibility Booklet must be contained in the student's file.

56016. Acquired Brain Injury.

Acquired brain injury means a deficit in brain functioning which is medically verifiable, non-degenerative or progressive, resulting in a total or partial loss of one or more of the following: cognitive, communicative, motor, psycho-social and sensory-perceptual abilities.

The student with an acquired brain injury must exhibit appropriate adaptive behavior as defined in Section 56004 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines acquired brain injury. The Chancellor's Office document, The ABI Handbook: Serving Students with Acquired Brain Injury in Higher Education, presents the definition and verification procedures which meet audit requirements of the Chancellor's Office and are suggested to the colleges in their development of local policies. It is the responsibility of the colleges to define acquired brain injury in a manner which meets regulatory requirements.

DOCUMENTATION:

Files should contain verification of disability which identifies the particular disability, the functional limitation(s) resulting from the disability, and how the student's educational performance is impeded. The verification must be signed by a licensed, credentialed, certified professional.

56018. Developmentally Delayed Learner.

The developmentally delayed learner is a student who exhibits the following:

(a) Below average intellectual functioning;

(b) Impaired social functioning;

(c) Potential for measurable achievement in instructional and employment settings;

(d) Measured appropriate adaptive behavior in an instructional or employment setting as defined in Section 56004 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines the developmentally delayed learner (DDL). Verification is determined based on (a) through (d) above. Students who are identified as developmentally delayed learners may, depending on their educational level and needs, and the offerings of the college, be served in Learning Center programs for LD students. Although students are served in these programs, they should be reported as DDL students for funding purposes.

DOCUMENTATION:

Files should contain verification of disability which identifies the particular disability, the functional limitation(s) resulting from the disability, and how the student's educational performance is impeded. The verification must be signed by a licensed, credentialed, certified professional.

56020. Multiple Disabilities.

Multiple disabilities are defined as two or more functional impairments described in Sections 56010, 56012, 56014, 56016 and 56018 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 87600 and 84850, Education Code.

56022. Individual Educational Plan.

An Individual Educational Plan (IEP) is a plan to address specific needs of the student. An IEP must be established at the beginning of each academic year and updated each term for every disabled student enrolled. The IEP specifies those regular and/or special classes and support services identified and agreed upon by both the student and DSP&S credentialed personnel as necessary to meet the student's specific educational needs. The IEP shall be reviewed each term by a credentialed DSP&S staff person to determine whether the student has made progress toward his/her stated goal(s).

Each IEP shall include, but need not be limited to:

(a) A statement of the student's long-term and short-term educational goals and objectives;

(b) A verification of the need for enrollment in special classes and/or provision of support services;

(c) A description of the process by which the student will reach his/her stated goal(s), including enrollment in regular and/or special classes;

(d) A description of the criteria used to evaluate the student's progress.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 87600 and 84850, Education Code.

IMPLEMENTATION:

The IEP is designed to serve as an educational contract between the DSP&S Program and the disabled student. It outlines the specific instructional, behavioral, social and/or educational goals of the student along with objectives and activities to achieve the goal(s) and presents the services to be provided by the college to accommodate disability-related limitations.

This section requires that an IEP be developed upon entry of the disabled student into the DSP&S program and be reviewed and updated each term thereafter to determine the student's progress toward stated goals and objectives.

The IEP must be initially developed when the student first applies for DSP&S services. A certificated DSP&S staff person and the disabled student should develop the IEP. It is important for the student to participate in the development of the IEP, and the student's signature is necessary each term to indicate agreement with the short-term objectives as well as the criteria for measurement of progress.

The complexity of the IEP will vary depending on the educational goals and functional limitations of the student. For example, an IEP for a student enrolled in mainstream classes to earn an AA degree will consist of the course completion plan as the educational goal, grades to be used as the criteria for progress, and a listing of the services to be provided by DSP&S.

After initial preparation of the IEP, it should be updated each term and re-established each academic year. Again, this process will vary depending on the offerings taken by the student. For mainstream students, an up-to-date copy of the class schedule, delineation of services provided, the student's signature and indication that a DSP&S credentialled staff person (typically the counselor) has reviewed the IEP and determined that measurable progress is being made is sufficient. This process can be completed incrementally, and where no major changes in the program or services are made, classified support staff can assist in obtaining the student's signature and preparing the file for review by credentialled staff. This review can be completed by the counselor without the student being present.

Colleges are encouraged, but not required, to use the forms developed by the Chancellor's Office IEP Task Force. Any format that provides the information specified in this section is acceptable.

Educational contracts providing specific objectives, skills and learning strategies, and other goals related to the educational setting may accompany the IEP for the term. These contracts should be signed by the student and the DSP&S credentialed staff person responsible for provision of the instruction or service.

DOCUMENTATION:

An up-to-date IEP for the current semester/quarter, signed by the student and the credentialled DSP&S staff person, should be available in the file of each disabled student receiving services paid for by DSP&S funds.

56024. Measurable Progress.

Measurable progress is defined as documented progress towards meeting the goals and objectives stated in the Individual Educational Plan.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, *Education Code.*

IMPLEMENTATION:

This section defines measurable progress. Because the criteria for progress depend on the educational goals stated in the IEP, measures to evaluate it will differ. Depending on the goals and activities outlined in the IEP and the functional limitations of the student, documented progress can be determined, but is not limited to one or more of the following:

(1) Transcripts (units completed and grades)

(2) Pre- and post-test measures (standardized, criterion referenced, locally developed exams)

(3) Demonstrated progress toward an educational goal as described in the college catalog

(4) The sustaining progress of educational or social goals and objectives as documented in the IEP or educational contract by an appropriate DSP&S credentialled staff member.

DOCUMENTATION:

An up-to-date IEP for the current semester/quarter, signed by the student and the credentialled DSP&S staff person, should be available in the file of each disabled student receiving services paid by DSP&S funds. Documentation should be included that the student has made measurable progress, according to the established criteria, during the preceding semester/quarter.

56026. Special Services.

Special services are those support services available to students defined in Sections 56010-56020 of this chapter, which are in addition to the regular services provided to all students. Such services enable students to participate in regular activities, programs and classes offered by the college. They may include, but need not be limited to:

(a) Basic DSP&S administrative services, including program development, accountability and evaluation;

(b) Access to and arrangements for adaptive educational equipment, materials and supplies required by disabled students;

(c) Job placement and development services related to transition to employment;

(d) Liaison with campus and/or community agencies, including referral to campus or community agencies and follow-up services;

(e) Registration assistance relating to on- or off-campus college registration, including priority enrollment assistance, application for financial aid and related college services;

(f) Special parking, including on-campus parking registration and temporary parking permit arrangements while an application is made for the State handicapped placard;

(g) Supplemental specialized orientation to acquaint students with environmental aspects of the college and community;

(h) Test-taking facilitation, including arrangement, proctoring and modification of tests and test administration for disabled students;

(i) Assessment, including both individual and group assessment not otherwise provided by the college to determine functional educational and vocational levels or to verify specific disabilities;

(j) Counseling, including specialized academic, vocational, personal, and peer counseling services specifically for disabled students, not duplicated by ongoing general counseling services available to all students;

(k) Interpreter services, including manual and oral interpreting for hearing-impaired students;

(l) Mobility assistance (on-campus), including manual or motorized transportation to and from college courses and related educational activities;

(m) Notetaker services, to provide assistance to disabled students in the classroom;

(n) Reader services, including the coordination and provision of services for disabled students in the instructional setting;

(o) Special class instruction designed to meet the unique educational needs of particular groups of disabled students, which does not duplicate existing college courses;

(p) Speech services provided by a licensed speech/language pathologist for students with verified speech disabilities;

(q) Transcription services, including the provision of adapted materials including braille and print;

(r) Transportation assistance (off-campus), only if not otherwise provided by the college to all students, where public accessible transportation is unavailable or is deemed inadequate by the Chancellor's Office;

(s) Specialized tutoring services not otherwise provided by the college;

(t) Purchase and/or repair of DSP&S equipment, such as adapted educational equipment, materials, supplies and transportation vehicles;

(u) Outreach activities designed to recruit potential students with disabilities to the college;

(v) Extracurricular activities directly related to the student's educational goals as specified in the student's IEP as defined in Section 56022.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850 Education Code.

IMPLEMENTATION:

The special services provided by the college will be outlined in the DSP&S Plan. A college will select to offer services based on the population of disabled students served and the availability of campus and community resources. The college should file an addendum to the DSP&S Plan with the Chancellor's Office reporting any additions or elimination of services. Certain services requiring further discussion are listed below:

(f) **Special Parking**--The provision of special parking is coordinated with the college campus security and facilities offices responsible for parking policies and procedures. While the Vehicle Code does allow Districts to set local parking policies and fees, these policies are superseded by state law if there is a conflict. Parking on campus should include: free visitor parking; adequate disabled student and staff parking with spaces configured according to Title 24 of the Building Code; no charge for persons (staff, students, or visitors) with the state issued Disabled Person (DP) plate or placard at spaces with parking meters. Colleges are allowed to charge disabled students parking fees equal to those charged non-disabled students.

(l) **Mobility Assistance**--Personal attendant care is not a service to be provided by the college according to Section 504 and AB 803. However, physical assistance directly related to participation in an instructional activity (e.g., changing clothes for adaptive physical education class) is allowed to be funded by excess cost dollars.

(m) **Notetaker Services**--This includes services for writing, notetaking, and manual manipulation for classroom and related academic activities.

(n) **Reader Services**--This includes the coordination and provision of access to information required for participation in academic courses, if this access is unavailable in other suitable modes. Under the provisions of the Cooperative Agreement between the Department of Rehabilitation and the Chancellor's Office dated November 18, 1986, disabled students who are clients of the Department of Rehabilitation should receive reader services from the Department (see Chancellor's Office Resource Handbook, 1988). Reader services for students who are not clients of DR should be provided by the college, unless the college funding has been exhausted. The determination of the most suitable mode of support (tape vs. reader) should be made by DSP&S credentialled staff with input from the student.

(p) **Speech Services**--This service should supplement instructional activities of the student and should be provided in conjunction with participation in educational offerings of the college. Speech therapy is not a service to be funded by DSP&S.

(r) **Transportation Assistance** (off-campus) -- Off-campus accessible transportation must be provided if the college provides transportation for non-disabled students. In this case, accessible transportation should be provided to disabled students, but only the additional cost of the service required due to the students' disabilities, (aides, lifts, etc.) should be funded by excess cost dollars. This requirement includes transportation for field trips and other activities where transportation is provided for all students. In cases where the college provides accessible transportation along with transportation for non-disabled students, the college need not request permission from the Chancellor's Office for the expenditure of DSP&S funds. In some cases, the college may provide off-campus transportation to disabled students only. In such cases the full cost of providing this service to disabled students may be covered by DSP&S funds if the college determines, and the Chancellor's Office agrees, that accessible public transportation is unavailable or inadequate. However, this does not relieve the college of its obligation under Assembly Bill 803 (Government Code 11135 et. seq.) to provide program and physical accessibility for disabled students and staff by ensuring that facilities can be reached by accessible public transit where public transit does exist.

DOCUMENTATION:

In order to meet audit requirements, the college should maintain records of the services provided to disabled students, including numbers of hours, pay rate, names of providers, and the identification of the disability and functional limitations requiring the service. These requirements are more fully outlined in the Validation Guide being developed by the Chancellor's Office. In regard to the provision of special transportation in cases where the college does not provide transportation to non-disabled students, the college must verify and document the inadequacy of accessible transportation in the community and submit this documentation to the Chancellor's Office for a determination if it seeks to provide off-campus transportation with excess cost funds.

56028. Special Classes.

Special classes are instructional activities which produce average daily attendance (ADA) and are authorized by Education Code Sections 78400, 78441, 84500, and 84520. Such classes are designed for students with specific disabilities to accommodate functional limitations which would otherwise inhibit the student's ability to succeed in general college classes. Special classes offered for credit or noncredit shall meet the applicable requirements for degree credit, non-degree credit, or noncredit set forth in Sections 55002 and 55705.5 of this part. In addition, special classes:

(a) Shall have as their purpose the provision of intervention strategies that enable disabled students to compensate for functional limitations and/or acquire the skills necessary to complete their educational objectives;

(b) Shall utilize specialized instructional methods and/or materials to facilitate the educational success of disabled students enrolled. Instructors and support staff trained in the use of adaptive devices and/or special instructional methodologies for the disabled shall also be utilized. Such methods and/or materials may include, but are not limited to:

(1) Adapted instructional methods;

(2) Tactile devices;

(3) Readers, notetakers, and interpreters;

(4) Specialized educational equipment and materials;

(5) Braille, large-print materials, and taped textbooks. District governing boards shall ensure, when meeting the requirements of Sections 55002(a)(1), 55002(b)(1), and 55002(c)(1) of this part, that curriculum committees responsible for reviewing and/or recommending special class offerings have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines special classes. In particular, a special class is an activity which:

(1) produces ADA or revenue in the same manner as other general college instructional activities;

(2) has been approved through the normal curriculum review process;

(3) is designed to overcome a student's educational limitations or assist the student in acquiring skills necessary for completion of the goals set forth in the IEP;

(4) is taught by specially trained instructors who hold the appropriate DSP&S credential; and

(5) utilizes materials or instructional methods adapted to the disability-related needs of the students.

It is critical that special classes meet all of the provisions of Section 56000 which require that these classes not duplicate other instructional offerings and that the classes cannot be provided in an effective manner in an integrated setting with support services. A special class is differentiated from a regular class on the basis of whether it meets the criteria of this section and whether it serves disabled students as defined in Sections 56010-56020. The use of excess

cost dollars for instructional activities is not the determining factor as to whether a class is special or regular.

Special class curriculum, as curriculum for all offerings of the college, must go through a review process for approval. On the local level, Districts are required to assure that college curriculum committees obtain input from persons who have expertise related to DSP&S in their review of special class offerings. It is often useful if DSP&S staff serve on curriculum committees to provide such expertise and to facilitate integration of the DSP&S program with the overall college program. After they are reviewed at the local level, curriculum are sent to the Chancellor's Office for review. The Academic Standards Office reviews them for rigor to assure that they are properly assigned to the credit, non-credit, community service category. Special class curricula are then sent to the DSP&S Unit for additional review to assure that they meet the provisions described above.

If special classes meet the criteria specified above and are approved by the Chancellor's Office in the DSP&S Program Plan described in Section 56046, they are eligible for direct excess cost funding. The initial submission of the DSP&S Plan (due in 1989-90) should list all of the special classes to be offered by the college. Subsequently, if a college wishes to initiate new special classes, it should send an addendum to the Program Plan to the Chancellor's Office for approval.

In addition, colleges providing special classes should note Sections 56076 and 56078 of the regulations outlining the requirements for the return of special class ADA revenues to the DSP&S Program.

DOCUMENTATION:

The college should have verification of course approval by the college curriculum committee for each special class offered. This documentation should be available in the Instructional Dean or other designated staff persons' office. The DSP&S Coordinator should be aware of the location of this information and should have access to it when needed. In addition, the Personnel/Credentials Office should have current credentials on file for all DSP&S staff teaching special classes. Information documenting that special classes meet the criteria specified above will be required as part of the DSP&S Program Plan to be submitted to the Chancellor's Office.

ARTICLE 2. GENERAL ADMINISTRATION

56030. Educational Programs and Special Services.

The purposes of special programs and services funded pursuant to this chapter shall be: to integrate the disabled student into the general college program; to provide educational intervention leading to vocational preparation, transfer or

general education; and to increase independence or referral of the student to community resources most appropriate to the student's needs. Such programs or services shall only be provided when they are facilitating the student's measurable progress towards his or her educational goals. Programs and services funded pursuant to this chapter may include, but need not be limited to:

(a) Assessment of essential skills and abilities;

(b) Prescriptive planning;

(c) Special class instruction;

(d) Counseling or guidance on a group or individual basis;

(e) Vocational preparation, training and job placement;

(f) Special services.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Section 78600 and 84850, Education Code.

56032. Participation.

(a) Participation by a student in special programs and services shall not preclude participation in any other program or service which may be offered by the college.

(b) Participation of a student with a verified disability shall be deemed appropriate if the results of the identification and assessment process meet the criteria specified in Sections 56010-56020. Local assessment and identification processes shall be approved by the Chancellor in the DSP&S program plan.

(c) In assigning the student to special classes or services funded pursuant to this chapter, the college shall verify the disability through an assessment class or service. Together with the student, the college shall determine whether general supportive services and college classes are adequate to meet the student's particular needs.

(d) Each student served in DSP&S shall have an Individual Educational Plan.

(e) Community colleges shall employ reasonable means of informing all community college students and staff of the programs and services offered pursuant to this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section sets forth certain basic principles governing participation of students in the DSP&S program. Of particular note is the statement in subsection (a) that participation in the DSP&S program does not preclude access to any other program or activity offered by the college. Read in conjunction with Section 56000 (b), which prohibits duplication of services, this means that DSP&S services are a voluntary alternative to participation in regular classes and activities. Similarly, the provision in subsection (c), which restricts the use of special classes to situations where support services in regular classes are not adequate, reinforces the requirement in 56000 (f) that instruction be offered in the most integrated setting possible.

56034. Student Rights and Responsibilities.

Students benefiting from the provisions of this chapter shall:

(a) Make measurable progress toward an educational goal and will disclose any health condition which may affect the safety and welfare of themselves, staff, and other students of the college;

(b) Be afforded all rights available to other community college students;

(c) Be assured that all student medical-related health records and DSP&S records shall not be made available to anyone other than the following:

(1) DSP&S staff, college health personnel or other appropriate college personnel with a legitimate educational interest, pursuant to 20 U.S.C.1232g (b)(1);

(2) Personnel from the Chancellor's Office and other State agencies to evaluate, audit or validate the DSP&S program, pursuant to Education Code Section 67143(b). Authorization by the student is need for release of medical or health records to any other persons.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference:s Sections 78600 and 84850, Education Code;.20 *U.S.C. 1232g(b) (1).*

56036. Regional, State and Federal Coordination.

The Chancellor may request and the colleges shall provide data in response to requests from regional, state and federal agencies for needs assessments, resource surveys and policy development.

As a means of conducting special projects and enhancing communication between college programs and the Chancellor's Office, the Chancellor shall develop task forces and/or committees as deemed necessary.

The Chancellor's Office shall design and implement regional, local or statewide in-service training programs for professional and support staff. In-service training programs will be developed to meet needs identified at regional and local levels.

The cost of activities specified in this section may be charged to Program Accountability and Development Services (PADS).

NOTE: Authority cited: Section 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56038. Cooperative Agreements.

Cooperative agreements may be established among college districts, the Chancellor's Office, and other agencies or organizations for sharing equipment, facilities, staff and other resources in order to provide comprehensive support services and programs for students with disabilities.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56040. Student/Instructor Ratio.

Student/Instructor ratios shall be established by each district in order to meet the exceptional needs of the students enrolled. Class size should not be so large as to impede measurable progress or endanger the well-being and safety of students and staff. Student/Instructor ratios shall be reported in the annual program plan pursuant to Section 56046 and in budget reports to the Chancellor's Office as part of Section 56048 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56042. Advisory Committee.

Each community college providing services or programs for which the college receives funds pursuant to this chapter shall establish an advisory committee which shall meet not less than once per year.

The advisory committee shall be composed of representatives of the community served, public agencies and organizations serving the disabled.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56044. Special Class Course Repeatability.

(a) Repetition of special classes is subject to the provisions of Section 58161 of this part. However, districts are authorized to permit additional repetitions to meet the requirements of Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. Sec. 794. Districts shall develop local implementing policies and procedures providing for repetition under, but not limited to, the following circumstances:

(1) When continuing success of the student in other general and/or special classes is dependent on additional repetitions of a specific class;

(2) When additional repetitions of a specific special class are required for the student to meet the performance criteria of that class;

(3) When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other courses which meet the requirements of a student's educational objectives.

(b) Repetitions of adaptive physical education are allowed, provided the student participates in at least one additional credit course that is not a physical education class within the general offerings of the college; and if the student makes progress toward the stated educational goal as documented in the Individual Educational Plan. Students enrolled only in adaptive physical education may repeat adaptive physical education for credit for three semesters or five quarters. Additional repetitions of adaptive physical education over three semesters or five quarters for such students must be offered as noncredit. Districts/colleges shall develop and implement mechanisms for monitoring special class repeatability and determining credit/noncredit applicability to satisfy the requirements of this subsection.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code. 29 U.S.C. Sec. 794.

IMPLEMENTATION:

This section defines the circumstances under which special classes can be repeated above and beyond ordinary course repetition standards for credit courses set forth in Section 58161 of Title 5. Although colleges have the ultimate responsibility for setting policy on this subject, the regulation indicates that repetition should be permitted whenever it is necessary to allow the student to make progress toward fulfilling the objectives of the IEP, either by acquiring additional skills or by preparing for other courses. Thus, any repetition which facilitates measurable progress is permitted under this section. Students may not audit special classes to avoid the limit on repeatability.

It should be noted that although this section does not address additional repetitions of regular classes, colleges are encouraged to provide for repetition of such classes where repetition is required for an individual disabled student as reasonable accommodation under Section 504 of

the Rehabilitation Act of 1973 (29 U.S.C. 794) nor does this section impose limits on repetition of noncredit classes. Districts which do not offer noncredit may wish to enter into special arrangements with their K-12 counterparts to address the need for additional course repetitions.

In regard to Adaptive Physical Education (APE) classes, disabled students may repeat three semesters/five quarters of APE classes without being enrolled in any other classes. This same process may be repeated for separate APE offerings such as swimming, weight training, etc. During the fifth semester or seventh quarter, disabled students who wish to continue taking APE classes have two options: 1) Students may enroll in a credit class of the college for at least 1 credit unit and make progress as outlined in the IEP, OR 2) Take APE classes in the noncredit mode. Colleges which do not provide noncredit APE classes should realize that students who want to continue to take PE classes at the college and who do not want to take option 1 above have the right to enroll in regular PE classes (tennis, swimming, aerobics, golf etc,). Under Section 504 (29 U.S.C. 794), the college must provide program accessibility to these classes or offer an option for students to be able to continue to repeat noncredit APE.

This section will not be enforced retroactively. The special class repeatability regulations go into effect as of July 1, 1988; therefore, special classes completed prior to July 1 will not be considered as applicable under this section. It is the responsibility of the district/college to develop implementing policies, procedures, and mechanisms for monitoring special class repeatability.

DOCUMENTATION:

Colleges will need to establish a system to document the numbers of times classes are repeated by disabled students. The DSP&S Program will need to monitor the information to assure that the above requirements are met.

ARTICLE 3. PLANS AND PROGRAM REQUIREMENTS

56046. DSP&S Program Plan.

Requirements for the DSP&S program are as follows:

(a) A DSP&S program plan shall be submitted on a five-year cycle by districts for each college within the district. Upon approval by the Chancellor, the DSP&S plan shall be a contract between the District and the Chancellor. Expenditures of funds appropriated pursuant to the chapter must conform to the approved plan. Each district shall submit annual updates to its DSP&S program plan.

(b) The DSP&S program plans, as updated, shall be submitted annually to the Chancellor, on forms developed by the Chancellor's Office. These forms shall include the information set forth in

subparagraph (c). These forms will be transmitted to the colleges at least 60 days prior to the deadline for submission.

(c) The DSP&S program plans shall contain the following:

(1) Long-term goals of the DSP&S program;

(2) Short-term measurable objectives of the program;

(3) Activities to be undertaken to accomplish the goals and objectives;

(4) An assessment and identification process for all students deemed eligible to receive instruction and services;

(5) A description of criteria used to establish Individual Educational Plans and measurable progress;

(6) Staff/student ratios for instruction and services;

(7) A description of the methods used for program evaluation;

(8) A description of the process for increasing representation of persons with disabilities from the community, including outreach to disabled persons who are ethnic minorities and women.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section sets forth the requirements for the DSP&S Program Plan. The forms for the plan will be developed by the Chancellor's Office. Implementation of the requirement for submission of a plan is scheduled to begin during the 1989-90 year.

DOCUMENTATION:

The colleges will need to compile and submit the DSP&S Program Plan in the format provided by the Chancellor's Office. Copies of the plan and the required annual updates should be kept on file in the DSP&S office.

56048. Enrollment Reports and Budget.

The district shall submit enrollment and budget reports to the Chancellor. These reports will be used by the Chancellor to forecast students served, to allocate funds, and to provide the basis for validation and audits.

NOTE: Authority cited: Sections 71020, 78500 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section requires the submission of periodic budget and enrollment reports to the Chancellor's Office. Detailed information regarding completion of these forms is contained in Direct Excess Cost Report: General Instructions for DSP&S 1 through 5.

The annual submission dates of these forms are generally:

February 15--DSP&S-2 (Mid-year Direct Excess Cost fiscal information.)

June 30--DSP&S-4 (Actual student count for fiscal year used to determine the following year's allocation.)

August 15--DSP&S-4 (Final expenditure report for prior fiscal year.)

Colleges will be required to submit revised reports to correct errors on these reports as necessary.

DOCUMENTATION:

The colleges will be required to complete and submit the budget and enrollment reports described above. These reports shall be submitted on forms provided by the Chancellor's Office.

Chancellor's Office staff will inservice DSP&S staff responsible for the compilation of this data. The colleges should maintain up-to-date files of the completed reports in the DSP&S Office and the Business Office.

56050. Review of DSP&S Program Plan, Enrollment Reports and Budget.

All plans, enrollment reports, and budgets shall be reviewed and evaluated by the Chancellor within ninety (90) days of receipt. The Chancellor shall approve plans in whole or in part for funding.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

56052. Evaluation.

The Chancellor shall conduct evaluations of DSP&S programs to determine their effectiveness. Evaluations shall utilize an external peer review process following the accreditation model. The evaluation shall, at a minimum, provide for the gathering of outcome data, staff and student perceptions of program effectiveness, access requirements of Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and data on the implementation of the program as outlined in Sections 84850 and 78600.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
References: Sections 78600 and 84850, Education Code; 29 U.S.C. Sec. 794.

IMPLEMENTATION:

This section indicates that each college's DSP&S program will be evaluated every five years following the same cycle as the college's study year for the accreditation process. A full discussion of the evaluation process is contained in the DSP&S Evaluation Notebook.

DOCUMENTATION:

The college will meet the above requirements by participating in the DSP&S Program Evaluation. The college will be required to provide a variety of information (Budgets, DSP&S Plans, Section 504 self evaluation, Organizational charts, Advisory Committee membership, etc.) to the evaluation team as part of the evaluation. The Evaluation Report should be kept on file in the DSP&S office and should be made available to interested parties such as Advisory Committee members.

56054. Program Audits.

The Chancellor shall provide for on-site validations and audits of DSP&S programs to determine the accuracy of the reported number of students served and expenditure of funds pursuant to the requirements of this chapter. The Chancellor may adjust allocations to reflect validation and audit findings.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section authorizes the Chancellor's Office to conduct audits to verify the eligibility of students served in the DSP&S program and the expenditure of DSP&S funds. Depending on the

need, various types of audits may be conducted. A complete discussion of procedures for such audits will be contained in the DSP&S Validation Guide.

DOCUMENTATION:

In order to meet audit requirements, the college should have on file the information outlined in the Validation Guide. Different types of information will be required depending on the type of audit being conducted.

ARTICLE 4. PERSONNEL

56056. Authorized Professional Staff.

Persons providing services in the DSP&S program as coordinators, counselors or instructors shall possess valid Community College credentials authorizing the service provided, and shall meet the minimum academic and/or experiential requirements set forth in Sections 56058-56064 of this article.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56058. Coordinator of Disabled Student Programs and Services.

Each participating community college shall designate one certificated employee as the Coordinator of DSP&S. For the purpose of this section, the Coordinator is defined as that individual who has responsibility for the day-to-day operation of DSP&S. The designated Coordinator must hold a credential issued by the Board of Governors which authorizes the holder to perform the types of duties the coordinator performs for the college district.

In addition to holding the community college credential as deemed appropriate by the District, the Coordinator must meet the following minimum standards:

(a) Hold an appropriate DSP&S credential; and/or

(b) Have two (2) years full-time experience or the equivalent within the last four (4) years in one or more of the following fields:

(1) Instruction or counseling or both in a higher education program for students with disabilities; or

(2) Administration of a program for students with disabilities in an institution of higher education; or

(3) Teaching, counseling or administration in secondary education, working predominantly or exclusively in programs for students with disabilities; or

(4) Administrative or supervisory experience in industry, government, public agencies, the military, or private social welfare organizations, in which the responsibilities of the position were predominantly or exclusively related to persons with disabilities; or

(c) Meet the requirements of Education Code Section 84850.5(b).

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section creates a new definition of DSP&S personnel who coordinate the program at each college. The Coordinator is that individual who has day-to-day responsibility for the DSP&S Program, which generally includes the following:

(1) Verify, when appropriate, the observable disability of a student as outlined in Section 56008 for participation in DSP&S.

(2) Provide daily supervision and/or coordination of DSP&S staff.

(3) Develop and plan the DSP&S Program.

(4) Direct the DSP&S Program to assure compliance with state and federal laws and regulations.

(5) Develop and monitor the DSP&S budget.

(6) Communicate with the DSP&S Unit of the Chancellor's Office regarding preparation and submission of reports, surveys, and other documents as required.

(7) Provide liaison with the college administration, faculty, and staff regarding DSP&S issues.

(8) Provide liaison with community agencies regarding DSP&S issues.

It is important to understand that this provision does not create a new credential or a new full-time position. Rather, it requires that the college must designate one certificated person as the Coordinator of DSP&S. This person must meet the minimum qualifications outlined above or the District must request and receive a waiver as provided in Section 56062.

DOCUMENTATION:

First time documentation for all current DSP&S Coordinators that the requirements of the section above have been met must be submitted to the Chancellor's Office by February 28, 1989, on the appropriate form provided by the Chancellor's Office. Documentation should show that the DSP&S Coordinator meets one of the following requirements:

(1) Holds a credential deemed appropriate by the college (e.g., counselor, supervisor, or administrator) AND an appropriate DSP&S credential;

OR

(2) Holds a credential deemed appropriate by the college AND meets certain additional minimum experiential standards;

If neither of these requirements are met, the college must request a waiver of minimum requirements for the DSP&S Coordinator in accordance with Section 56062; or the college must show that the individual in question is already performing the function of the DSP&S Coordinator and may be "grandfathered" on the same basis as those providing services and instruction as stated in Education Code Section 84850.5(b).

56060. Counselor, Disabled Student Programs and Services.

For the purpose of this section, a Counselor of DSP&S shall be defined as a certificated counselor providing academic, personal and vocational guidance and counseling in accordance with the standards for the Community College Counselor Credential pursuant to Section 52140. The DSP&S Counselor shall be further authorized to instruct courses in guidance/counseling or college orientation and to provide intake counseling assessments and/or screenings for students enrolled in DSP&S. In addition, the DSP&S Counselor must meet the following minimum standards:

(a) Hold a masters degree in Rehabilitation Counseling; or

(b) Hold a masters degree in a field of special education with completion of 24 semester units of upper division or graduate level course work with emphasis in counseling, guidance, student personnel, psychology or social welfare; or

(c) Hold a masters degree in counseling, guidance, student personnel, psychology, or social welfare, with 12 or more semester units in upper division or graduate level course work specifically in the counseling or rehabilitation of individuals with disabilities and have two (2) years full-time experience or equivalent within the last four (4) years in one or more of the following areas:

(1) Counseling and/or guidance for students with disabilities in an institution of higher education; or

(2) Counseling and/or guidance for secondary school students with disabilities; or

(3) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities; or

(d) Meet the requirements of Education Code Section 84850.5(b).

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Section 78600 and 84850, Education Code.

IMPLEMENTATION:

This section creates a new area of specialization among DSP&S personnel for those who provide counseling for students with various disabilities. Persons designated as a DSP&S Counselor by their college must meet the requirements of this section, regardless of whether they already hold a DSP&S Instructor and Services Credential.

It is important to understand that this provision does not create a new credential, rather it simply requires that a DSP&S Counselor hold the regular Community College Counselor Credential and meet certain additional experiential standards. If the designated individual already holds the Counselor Credential, then satisfying the requirements of this section merely involves a determination by the district that the individual has the necessary experience.

DOCUMENTATION:

The college must verify that the DSP&S Counselor meets the standards outlined above. First time verification must be submitted on the appropriate form provided by the Chancellor's Office by February 28, 1989. Persons already performing the function of a DSP&S Counselor may be "grandfathered" on the same basis as those providing services and instruction as stated in Education Code Section 84850.5(b).

56062. Waiver of Minimum Requirements for DSP&S Counselors and Coordinators.

A waiver of the minimum requirements for DSP&S Counselors and Coordinators may be granted upon request to the Chancellor. The waiver request must be submitted to the Chancellor by the college president or superintendent and must contain a detailed explanation as to why no individual meeting the minimum requirements was available to fill the position. The request must further document that the level of services to disabled students will not be reduced as a result of personnel not meeting minimum requirements. The request shall include a description of the actions the college and/or district expects to undertake and estimated timelines, in order to employ personnel who will meet the minimum requirements.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section authorizes the Chancellor to waive the requirements for DSP&S coordinators and counselors set forth in 56058 and 56060 on the appropriate form as provided by the Chancellor's Office. The requirements for a waiver under this section are similar to those for a waiver of the DSP&S Instructor and Services Credential (see the Credentials and Waivers packet), with the exception of:

(1) documentation that the level of services to disabled students will not be reduced; and

(2) a description of the actions and estimated timelines necessary for obtaining personnel who do meet the requirements for coordinators and counselors must be provided.

DOCUMENTATION:

In the case where a waiver is submitted, the college will be required to gather and maintain all the information outlined above including the scope of the search for a qualifying candidate and the qualifications of applicants other than the one selected.

56064. Disabled Student Programs and Services Instructor and Services Credential.

Personnel responsible for the provision of instruction and service to students with disabilities must possess the DSP&S Instructor/Services Credential defined in Sections 52085-52087 and 56058-56062 of this part.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

56066. Authorized Support Staff.

Each community college district may employ non-certificated support staff. Support staff shall function under the direction of certificated persons credentialed in the area for which services and instruction are provided.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

ARTICLE 5. FUNDING

56068. Allocation.

The Chancellor shall allocate funds to each Community College District for expenditure in each college in accordance with the approved DSP&S plan. The Chancellor may authorize redistribution of funds between colleges within a District on application of the District.

NOTE: Authority Cited: Sections 71020, 78600, and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section authorizes the Chancellor to allocate funds on a college by college basis. While the allocation must still legally go to the Districts, redistribution of these funds to individual colleges in multi-campus districts must now have prior written approval by the Chancellor's Office. The request from the districts must include an appropriate justification.

DOCUMENTATION:

When multi-campus districts request a redistribution of funds, each college should maintain on file the written justification for redistribution of funds prepared by the District and submitted to the Chancellor's Office, along with the response from the Chancellor's Office.

56070. Criteria for Funding Served Students.

When counting students served for the purpose of funding, each student must meet one or more of the following criteria:

(a) Be enrolled in a general college class and receive three or more contact hours of special services per term; or

(b) Be enrolled in a special class; or

(c) Be enrolled in three or more units of approved independent study, supervised or approved by credentialed DSP&S staff.

DSP&S funds shall be allocated only for students who have completed the registration process and have paid or received a waiver of fees.

NOTE: Authority cited: Sections 71020, 78600, and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section outlines the criteria which students must meet in order for services to be funded with excess cost dollars. According to these criteria, students who audit a class or who take community service classes are not eligible for funding. The college should keep in mind that it has an obligation above and beyond the availability of excess cost funding to provide services to disabled students in these and other instances in order to meet the requirements of Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 794) and Assembly Bill 803 (Government Code Section 11135 et. seq.). In sum, students who meet the above criteria can receive service funded with excess cost dollars while other qualified disabled students may receive services funded from other resources.

DOCUMENTATION:

The college should maintain a file for each student reported to the state for excess cost funding. The file should contain a college transcript of general as well as special classes and/or independent study in which the student is enrolled, special services received, verification of disability information, and the IEP. The IEP form developed and recommended by the Chancellor's Office Task Force sufficiently documents this item with the addition of information regarding completion of the registration and fee payment/waiver process. Students to be reported for excess cost purposes should demonstrate enrollment as outlined in items a, b, and c of this section.

56072. Direct Excess Costs.

Direct Excess Costs are expenditures which do not duplicate existing college or community resources and are incurred to meet the exceptional needs of students with disabilities through the provision of special classes and/or services. Only expenditures in the following areas may be claimed as Direct Excess Costs:

(a) Special facilities costs which are expenditures for space, equipment or furniture acquired or modified by the district and used by the students.

(b) Educational material costs which are expenditures for material specifically developed or purchased to assist the student in the learning process.

(c) DSP&S personnel:

(1) Expenditures for certificated persons employed to provide student support and/or instructional services;

(2) Classified instructional or service aides and other classified assistants utilized for the provision of instruction and/or services;

(3) Benefits.

(d) Transportation costs which are expenditures for persons, equipment, modifications or related costs for transporting students for educational purposes not otherwise provided by the college.

(e) Other instructional or service related expenditures in DSP&S.

(f) Program Accountability and Development Services Funds (PADS) costs expended for college, regional and statewide activities for staff and program development which are approved by the Chancellor.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

56074. Non-Instructional Cost Rate

The State approved non-instructional cost rate is determined by dividing the preceding fiscal year's total non-instructional costs by the sum of its non-instructional and direct instructional costs. Non-instructional costs are those fixed administrative and ancillary costs which a college shall compute from the income generated by ADA in special classes.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section puts into regulation the Chancellor's Office administrative guidelines for determining the non-instructional cost rate for on- and off-campus programs. Determination of each district's non-instructional cost rate is made by the Chancellor's Office using amounts from the district's prior year's Annual Financial and Budget Report (CCFS-311). Upon receipt of the non-instructional cost rate as determined by the Chancellor's Office, if a discrepancy exists between the District and Chancellor's Office rate, the District should notify the Chancellor's Office. The rate will be sent annually to the DSP&S Coordinator along with the reporting forms.

DOCUMENTATION:

Each district should maintain a copy of the CCFS-311 Report at the district business office.

56076. Determination of Net Apportionment.

The net apportionment for the fiscal year shall be determined by utilizing the apportionment in Section 56078 of this chapter and the non-instructional costs determined by Section 56074 of this chapter.

If program income exceeds expenditures, the non-instructional costs plus the percentage of apportionment in excess of the non-instructional costs returned to the college general fund shall not exceed 50% for on-campus special classes and 20% for off-campus special classes.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

If general apportionment funds (i.e., ADA generated by DSP&S) are in excess of the reported DSP&S instructional costs, the combined remaining funds and the non-instructional costs returned to the district general fund shall not exceed 50% for on-campus courses and 20% for off-campus courses. Therefore, when the ADA exceeds the instructional costs, the DSP&S program must receive at least 50% of the excess ADA generated by the on-campus DSP&S classes and 80% of the excess ADA generated by the off-campus DSP&S classes.

DOCUMENTATION:

Colleges must account for all special class ADA on the SS-2 and SS-5 reports submitted to the Chancellor's Office annually. The CCFS 3-20 Apportionment Attendance Report required by Sections 58020-58030 of the Education Code calls for Districts to maintain documentation for each course offered.

56078. Average Daily Attendance Apportionment (ADA) for Classes Offered through DSP&S.

ADA Apportionment for special classes in each District is determined by the following method: The aggregate average cost per unit of ADA is the sum of the total apportionment available to the district. This result is then reduced by the total amount of the State approved non-instructional cost rate as defined in Section 56074.

The apportionment funds generated by this process must be expended for special class instruction in accordance with Section 56028 of this chapter.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

Special class ADA is generated in the same way as regular class ADA. For purposes of reporting, a class is considered a special class if it meets the criteria outlined in Section 56028 and serves disabled students as defined in Sections 56010-56020. The use of direct excess cost funds for

instructional activities does not determine whether a class is to be considered a special class. The combined special class and regular class ADA is the measure by which the State provides general apportionment funds to the college as a whole. The college is then responsible to insure that the amount the DSP&S program receives accurately reflects the amount of ADA generated within the program. The only exception is if the Program generates more ADA than expenditures required in accordance with Section 56076.

DOCUMENTATION:

The district's overall ADA report should be filed with the Chancellor's Office fiscal services unit. This report must be maintained at the district business office.

56080. Determination of Direct Excess Costs.

Direct excess costs, as defined in Section 56072 of this chapter, shall be approved only after special class average daily attendance apportionment and all other funding has been completely utilized. Theseincome sources shall include but not be limited to:

(a) Vocational Education Act (VEA) funds;

(b) Local or college contribution/support;

(c) Federal/state or local assistance grants;

(d) Value of volunteers.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56082. Adjustments to Allocation.

The Chancellor may adjust the allocation of any college during a given fiscal year for one or more of the following reasons:

(a) To adjust for over- or under-allocated amounts in any of three prior fiscal years;

(b) To adjust for over- or under-utilization of current allocation;

(c) To adjust for over- or under-allocation resulting from audits or validations.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code. Reference: Sections 78600 and 84850, Education Code.

56084. District Fiscal Responsibility and Contribution.

The district fiscal responsibility shall be to fund the cost of providing services at rates which are at least equal to the average cost expended for services offered by the college if the student receives these services exclusively through DSP&S.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

IMPLEMENTATION:

This section defines the district's responsibility for contributing to the support of students with disabilities. If the students receive all services through DSP&S, then the district must contribute a sum equal to the average cost of providing equivalent services to all students. In effect, this is the amount the district would expend to support the students if they were not disabled. Using the District's apportionment schedule, the Chancellor's Office will provide the average cost of serving a student which should be used by the District in arriving at the amount of its fiscal responsibility.

DOCUMENTATION:

The District should maintain a clear audit trail of all monies reported as district effort in the DSP&S budget.

56086. Expenses Not Funded.

Funds shall not be provided for the following expenses:

(a) College administrative support costs, such as staff of the college business office, bookstore, reproduction, etc.;

(b) Administrative salaries and benefits, with the exception of the DSP&S Coordinator;

(c) Indirect costs, such as heat, light, telephone, power and janitorial;

(d) Costs of construction, except for removal or modification of minor architectural barriers, with approval of the Chancellor;

(e) Travel costs for other than DSP&S-related activities or functions;

(f) Costs for campus space and plant maintenance.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

56088. Other Support Funds.

Colleges applying for direct funds will certify to the Chancellor that reasonable efforts have been made to secure federal or local funds other than short-term grants for DSP&S.

NOTE: Authority cited: Sections 71020, 78600 and 84850, Education Code.
Reference: Sections 78600 and 84850, Education Code.

PROGRAM EVALUATION PROJECT

DISABLED STUDENTS PROGRAM & SERVICES REPORT

California Community Colleges

A Project of the California Community College Chancellor's Office
Programs and Services for Disabled Students

Program Evaluation Project

Disabled Students Programs and Services

A Progress Report

December 1987

Chancellor's Office
Student Services and Special Programs
California Community Colleges

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GEORGE DEUKMEJIAN, *Governor*

Dear Colleagues and Friends,

I am pleased to present a report on the work of the Disabled Students Programs and Services (DSPS) Program Evaluation Project. This project assists California's community colleges in fulfilling the requirements for evaluation outlined in the Title 5 regulations. It provides the colleges evaluated with information about program strengths and weaknesses for their use in program planning and also provides the Chancellor's Office with data to be used in policy analysis and development.

A focal point of the evaluation is the peer review process. DSPS Programs are evaluated by professionals in the field, by people who have expertise in working with various groups of disabled students. The evaluation -- which gathers information through surveys, interviews, observation, and review of documents -- is designed to meet the unique needs of each college.

This report synthesizes information from the inception of the Program Evaluation Project to date and includes data from the 52 college DSPS Programs that have undergone formal evaluation. The aggregated data from these evaluations reflects the input of nearly 2000 students and includes the work of 52 team leaders and 260 team members.

I commend all of the staff who have worked on this project, including team leaders and members and thank the students and staff who took the time to give their input to the evaluation teams. I assure you that the information gathered here will guide the Chancellor's Office in its planning for DSPS Programs.

Please feel free to contact the DSPS Program of the Chancellor's Office for additional information about the Program Evaluation Project or for copies of the report.

John D Randall

Dr. John D. Randall, Interim Chancellor
California Community Colleges

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1. Disabled Student Programs and Services

Background

Disabled Student Programs and Services (DSPS) was established by the Legislature in 1976 through the passage of Assembly Bill 77, Lanterman. This legislation provides funding for community colleges to pay for the excess cost of services and instruction to meet the needs of students with physical, communication, and learning disabilities. During the past 11 years, DSPS has grown dramatically. Today it operates in all 106 colleges with an appropriation of $27 million to serve slightly less than 50,000 disabled students.

Section 56066 of the Title 5 regulations governing AB 77 states, "... each college shall submit an evaluation of its total programs for the fiscal year to the Chancellor's Office. Forms for the evaluation shall be provided by the Chancellor's Office." In addition, the 1982 Budget Act supplemental language requested the Board of Governors to report on the progress of the Chancellor's "current efforts to revise ... DSPS ... planning procedures and establish related statewide uniform comprehensive evaluation processes." In 1983, the Chancellor directed staff to work with an Advisory Task Force to develop a process for DSPS program evaluation in order to meet these legislative and policy requirements.

2. The DSPS Program Evaluation Project (PEP)

History of the Project

The DSPS Program Evaluation Project (PEP) began in 1983. It is a field-based project housed in the San Diego Community College District, with the California Community Colleges Chancellor's Office involved in the project in an ongoing manner.

During the 1983-84 school year, the Program Evaluation Advisory Task Force (Appendix 1) began to develop an evaluation process, proposed survey instruments and ran pilot tests at selected colleges across the state. Formal DSPS program evaluation was initiated during the 1984-85 school year at nineteen community colleges randomly selected throughout the state. A high priority of the evaluation was to recognize the unique characteristics of each campus. To accomplish this end, broad flexibility was allowed in the evaluation process in terms of the number and variety of data sources that were permitted to be collected. This resulted in insufficient standardization in the written reports, which made comparisons between colleges difficult. In 1985-86, the evaluation process was changed to a more structured format which currently remains in place.

Purpose of the Evaluation

In addition to meeting legislative requirements, program evaluation serves two purposes. One purpose is to provide each college with information to identify program strengths and weaknesses so that the college may use evaluation data to determine where and how improvements should be made. A second purpose is to provide the Chancellor's Office with data which facilitates DSPS planning and reporting. This information, which provides the Board of Governors and the Legislature with DSPS program accountability data including student demographics, satisfaction and outcome data, focuses on broad patterns and trends emerging across programs throughout the state.

Design of Evaluation

The DSPS Program Evaluation Project, developed in cooperation with the UCLA Center for the Study of Evaluation, is a peer review model similar to that used in the accreditation process for colleges and universities. The evaluation is based on data gathered from site visits and observations, surveys, interviews, and review of relevant documents. One of the key elements of the evaluation process is its peer review orientation.

All evaluation team members are practicing DSPS professionals. Leaders and team members are assigned to teams by matching their areas of expertise with the

specific program components of the college to be evaluated. The Program Evaluation Regional Coordinator (PERC) and the DSPS college specialist from the college to be evaluated work cooperatively on developing a plan for the DSPS evaluation. The plan, which follows the prescribed evaluation process takes into account the individual college characteristics and DSPS program concerns.

As part of the evaluation process, surveys are mailed to DSPS students and staff, other college faculty and staff and advisory committee members. Surveys are analyzed and serve as a basis for observations and interviews conducted during the site visit. The site visit ends with an exit interview outlining DSPS program strengths and weaknesses.

After completion of the evaluation and the exit interview, an evaluation report is prepared and sent to the PEP project, the college president, and the California Community Colleges Chancellor's Office. The completed report notes the strengths and weaknesses of the programs and includes recommendations for improvements. This report is used in DSPS program planning and as an integral part of the college accreditation process which coincides with the DSPS program evaluation process.

Evaluation Follow-up

In order to monitor progress in implementing evaluation recommendations, a follow-up component was added to the evaluation process in 1986-87. College DSPS Programs which were previously evaluated and scheduled to undergo their self-study for accreditation during the 1986-87 school year were selected for follow-up visits. The purposes of follow-up were to validate the evaluation process and to monitor progress in making necessary improvements to the DSPS program as outlined in the evaluation. To date, a total of four colleges have participated in the follow-up process.

3. DEMOGRAPHICS

Colleges Evaluated

Since 1983, fifty-two colleges have undergone evaluations of their DSPS programs. Initially, selection of colleges was on a random basis (1983-84), but it has since evolved to a process which coordinates DSPS evaluation with the accreditation cycle for the college as a whole. The DSPS evaluation takes place in the year of the self study for accreditation. The fifty-two colleges evaluated to date are geographically spread throughout California. The colleges, broken down by Chancellor's Office Communication Regions, are shown in Table 1.

Table 1

Colleges Evaluated by Year

1983-84 (pilot year)

Modesto (5)*

1984-85

Alameda (3)
Allan Hancock (6)
Bakersfield (5)
Chabot (4)
Chaffey (9)
Diablo Valley (3)
El Camino (7)
Foothill (4)
Fullerton (8)
Gavilan (4)
Laney (3)
Long Beach City (8)
Los Angeles Trade-Tech (7)
Los Angeles Valley (7)
College of Marin (3)
Monterey Peninsula (4)
Palomar (10)
Sacramento City (2)
San Diego Mesa (10)

1985-86

Antelope Valley (6)
Butte (1)
Citrus (8)
College of the Desert (9)
Cypress (8)

1985-86 (cont.)

DeAnza (4)
East Los Angeles (7)
Evergreen Valley (4)
Glendale (7)
Golden West (8)
Los Medanos (3)
Mira Costa (10)
Moorpark (6)
Mt. San Antonio (8)
Pasadena (7)
San Diego City (10)
San Diego Miramar (10)
Siskiyous (1)
Victor Valley (9)
West Valley (4)

1986-87

Coastline (8)
Compton (7)
Fresno (5)
Kings River (5)
Los Angeles Southwest (7)
Merced (5)
Mt. San Jacinto (9)
Oxnard (6)
Saddleback (9)
City College of San Francisco (3)
San Francisco Community College Centers (3)
West Hills (5)

* Parenthesis indicates College Region

The colleges evaluated show different configurations of programs and services for students with disabilities. For example, at the time of their evaluation, 100% of the colleges reported having programs and services for physically disabled students, while 88% of the colleges had programs for learning disabled (LD) students, and 8% had programs and services for students with acquired brain injuries. Table 2 indicates the numbers/ percentages of the 52 colleges having programs and services for various groups of disabled students, as of the date of their DSPS evaluation. Appendix B lists the 52 colleges by DSPS programs areas.

Table 2

Program Components by Percentage of Colleges Offering

Program	Colleges Offering	
	Number	Percent
Physically Disabled (PD)	52	100.0
Adaptive Physical Education (APE)	33	63
Deaf and Hearing Impaired (D&H)	33	63
Learning Disabled (LD)	46	88
Speech (S)	17	33
Acquired Brain Injury (ABI)*	4	8
Developmentally Delayed Learner (DDL)	15	29

*Newly designated disability category, 1985.

Student data reports completed by the fifty-two colleges for the Chancellor's Office show a total enrollment of 31,752 students with disabilities. Following standard procedures for sampling, samples were selected from this population for the evaluations as indicated in Table 3 and Illustration 1, below.

In addition to student data, each evaluation gathered information from approximately 200 staff including faculty, administrators, clerical staff, and student aides. Staff for the evaluations included 52 PERCs, all DSPS Program Specialists, and 260 team members who were professionals with expertise in the education/ rehabilitation of persons with disabilities.

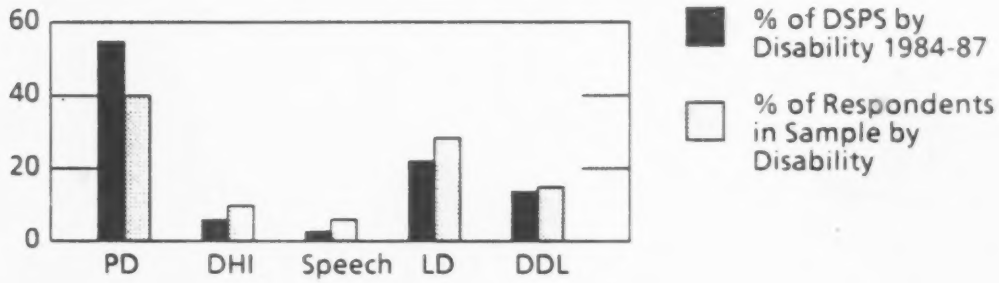
Table 3

Number of DSPS Students Served 1984-87 and Number of Students Responding by Disability Category

Disability Category	Students Served 1984-87	Students Responding
Physical Disabilities (PD)	17,417	799
Deaf and Hearing Impaired (D/HI)	1,959	189
Learning Disabled (LD)	6,930	567
Speech (S)	931	122
Developmentally Delayed Learner (DDL)	4,515	304
Total	31,752	1,981

Illustration 1

Comparison of Disabled Student Respondents to Disabled Student Enrollments, 1984-87



Student Demographics

Disabled student respondents were generally equally divided by gender, as shown in Table 4. LD students were more frequently male than female. Disabled male students constituted 48% of overall responses and disabled females 52%. These proportions are consistent with the gender composition of DSPS students overall, and similar to the male-female distribution of community college students in California (56% female and 44% male).

Table 4

Gender of Respondents by Disability Group by Percent

Disability Category	Female	Male
Physical Disabilities	56	44
Deaf/Hearing Impaired	60	40
Speech/Language Impaired	44	56
Learning Disabled	45	52
Developmentally Delayed Learner	49	51
Overall Percent	52	48

The figures in Table 5 show the average age of DSPS student respondents by disability. Although this is consistent with a general aging trend among community college enrollees, it also confirms findings from a national study of disabled college freshmen[1] which found that disabled students were generally older than their nondisabled cohorts. The age statistics in Table 5 also reflect changes in the disability categories of students served by DSPS; students in the physically disabled category tend to be older, while students in the learning disabled category -- an area of recent expansion of services -- have the youngest average age.

Table 5

Age by Disability of Respondents

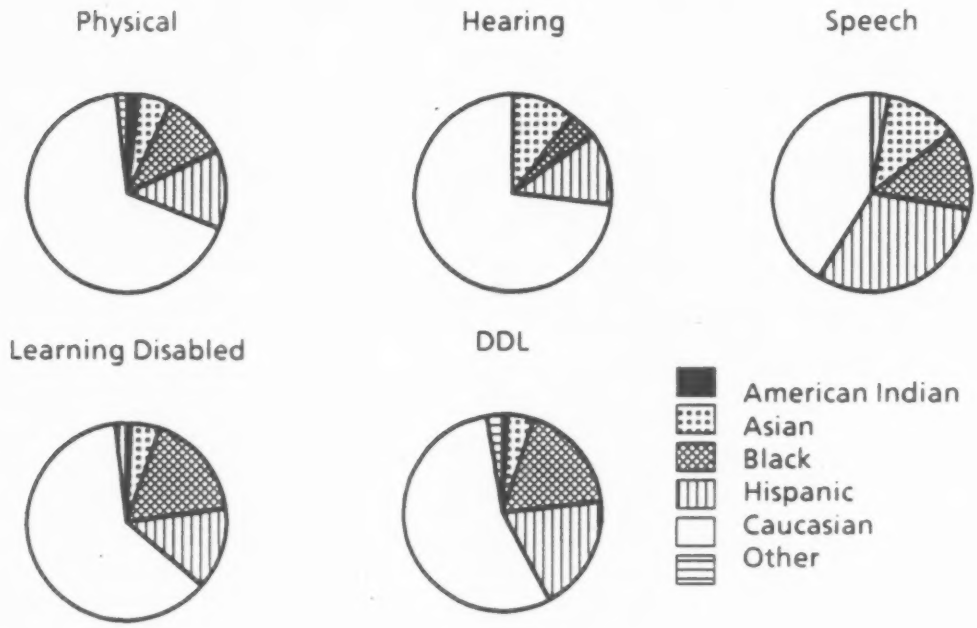
Disability	# of Students	Mean Age
PD	716	36.7 yrs.
D/HI	172	45.4 yrs.
SP	114	31.0 yrs.
LD	538	26.6 yrs.
DDL	282	34.8 yrs.

[1] *College Freshmen with Disabilities Preparing for Employment*, Paul Hippolitus, President's Committee on Employment of the Handicapped, 1111 20th Street, N.W., Washington, D.C. 20036.

The ethnic composition of DSPS students responding, 35% minority and 62% White (Illustration 2), shows a slightly higher minority representation than the general population of community college students, which is approximately 32% minority and 65% White, and differs significantly from the 25% minority to 64% White population of DSPS students generally.

Illustration 2

Ethnicity of DSPS Students by Disability



Black and Hispanic students were overrepresented among respondents in the developmentally delayed learner category, 18% and 19% respectively. Available data does not explain this differential, which does not appear in any of the other surveys of DSPS students (information available from DSPS student Data Profiles, 1985 & 1986) and is possibly an anomaly of the sample or other factors requiring further investigation. Hispanics were also overrepresented among respondents in the speech/language impaired as were Black students in the learning disabled category.

Respondents of Caucasian ethnicity were overrepresented among those students with physical disabilities (67%) and those in the deaf/hearing impaired category (73%); they were underrepresented in all other categories of respondents. This pattern, like the overrepresentation of minorities in the developmentally delayed learner area, is not observed in other DSPS survey data and is thus not conclusive of any trend.

Twenty-four percent of respondents were in their first term as community college students (see table 6). This is somewhat higher than the proportion of first-time freshmen in the general population of community college students (18%) and that of disabled students generally (17%). Approximately 32% of respondents had been in school for more than the two years traditionally associated with community college tenure. More students in the developmentally delayed learner and deaf/hearing impaired areas had been in school longer than two years (49% and 42% respectively). Only 19% of learning disabled students had been in school over two years, a reflection, perhaps, of recent changes in LD programming.

Table 6

Time in School by Disability Groups

	1 Term	1 Year	2 Years	3 Years	4 Years	Over 4	Number of Students Represented/ Percent
Physically Disabled	27%	19%	21%	11%	5%	17%	744 40%
Deaf/ Hearing Impaired	17	22	19	18	8	16	172 9%
Speech	27	27	23	12	5	7	112 6%
Learning Disabled	28	25	27	11	3	5	544 29%
Developmentally Delayed Learner	15	20	18	7	4	38	283 15%
Number of Students Represented/	452	405	413	207	85	293	1,855
Percent	24%	22%	22%	11%	5%	16%	

NOTE: Percentages are based on row totals.

Staff Demographics

Data from the surveys indicate that women, at 77.5%, are overrepresented among DSPS staff. Men represent only 22.5% of all DSPS staff. These proportions differ substantially from the 50% male to 50% female representation in the general population of community college staff. Seventeen percent of DSPS staff reported one or more disabilities and 83% reported none. Data obtained by the surveys relative to disability in respondents who were mainstream/regular staff was not sufficient to make any estimates of the rate of disability in that group.

Table 7

DSPS Faculty/Staff

	Male	Female
DSPS	22.5%	77.5%
Non-DSPS	50%	50%

The most common disability among DSPS staff is a mobility impairment,.followed by learning disabilities, hearing, other health, and vision.impairments. This is fairly consistent with the frequency of disability.categories in the student population.

The ethnic makeup of DSPS staff is similar to that of regular staff,.except that the representation of Blacks in DSPS is greater than in.regular staff and the reverse is true of Hispanic representation, where there is greater representation in regular staff than in DSPS (see Table 8). The ratio of.classified-to-certificated employees was the same for DSPS as for.regular staff, but a higher percentage of DSPS staff were part-time.employees. While percentages of contract-to-hourly employees did not.differ substantially, there were more temporary employees among DSPS.staff responding. DSPS staff are generally younger than regular staff,.with a mean age of 38.4 years compared to 42.2 years for regular.staff. Educational attainment and other demographic factors showed similar patterns for both groups.

Table 8

Ethnicity of DSPS and Non-DSPS Faculty/Staff

	Indian	Asian	Black	Hispanic	Caucasian	Other	Total
DSPS	1%	2%	9%	4%	81%	4%	200
Non-DSPS	1%	3%	5%	9%	79%	3%	766
							966

4. EVALUATION RESULTS

Disabled Students' Goal Attainment

DSPS students were asked to identify educational goals which were important to them and to indicate whether they had made progress toward various goals. The goal statements were in the following general categories:

(a) Academic Goals

(b) Career Preparation Goals

(c) Job/Career Improvement Goals

(d) Social and Cultural Goals

(e) Personal Development Goals.

The most significant finding regarding this area of the evaluation was that better than two-thirds of disabled student respondents who indicated that a goal was important to them, reported a high level of progress toward their goal(s).

Disabled student respondents show goals parallel to those of their nondisabled peers. Although a direct comprison cannot be made at this time, an indirect analysis can be derived from available data. A 1986 study[2] of community college students asked students to identify the reasons which best described why they were attending a community college, in contrast with the DSPS survey which asked disabled students to identify goal(s) and state whether they had attained them. Data from these studies show 33% of community college students intending to prepare for transfer to a four-year institution compared to 43% of disabled student respondents indicating transfer as one of their goals. The goal of training for a new and different career was cited by 16% of community college students as the reason for attending college compared to 46% of disabled respondents who cited it as a goal. Lastly, 16% of community college students attended college to upgrade their skills for their job, compared to 29% of disabled students who identified skill improvement as one of their goals.

It is evident that disabled students seek the same types of goals as non-disabled students. In fact, disabled students show higher frequency of transfer, skill acquisition and skill upgrade goals than their non-disabled peers.

2 Survey of Community College Enrollment, Spring 1986, Field Research Corporation under contract to the Chancellor's Office, California Community Colleges as part of Fee Impact Study

There were significant differences stated on goal attainment between disability groups. Respondents with physical disabilities reported significantly greater goal achievement than did students in the group as a whole, particularly in the area of academic goals. Students with hearing impairments showed greater gains in the area of job raises or promotions compared to other groups. Respondents with learning disabilities reported significantly less goal achievement in all areas than other groups.

Highlights of Disabled Students' Goal Attainment

Academic Goals

- 73% of disabled student respondents reported increases in knowledge/ understanding of an academic field
- 64% reported progress toward a degree or certificate, though only 36% stated it was an important goal
- 57% of respondents reported progress toward transfer

Career Preparation Goals

- 60% of students reported progress in discovering career interests
- 58% reported progress in formulating long-term career plans
- 54% reported progress in preparing for new careers

Job or Career Improvement Goals

- 65% reported increasing their knowledge in a vocational field
- 71% reported progress in improving job skills
- 44% felt they had improved their chances for raises or promotions

Social and Cultural Participation Goals

- 50% of respondents reported increased participation in cultural and/or social events

Personal Development and Enrichment Goals

- 73% of respondents reported important increases in self confidence